

W53
1937



Gift of New Hampshire

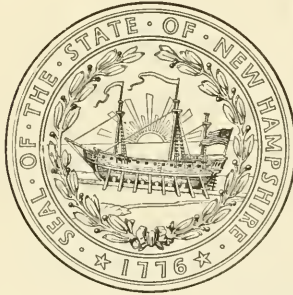
LAWS

OF THE

STATE OF NEW HAMPSHIRE

PASSED JANUARY SESSION, 1937

LEGISLATURE CONVENED JANUARY 6,
ADJOURNED AUGUST 21.



CONCORD, N. H.
1937

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STATE OFFICERS

<i>Governor</i>	Francis P. Murphy
<i>Councilors</i>	{ Virgil D. White Charles M. Dale Thomas A. Murray Alvin A. Lucier George H. Rolfe
<i>Adjutant-General</i>	Charles W. Howard
<i>Agriculture, Commissioner of</i>	Andrew L. Felker
<i>Bank Commissioner</i>	Clyde M. Davis
<i>Comptroller</i>	Charles T. Patten
<i>Education, State Board of</i>	{ Orton B. Brown Alice S. Harriman Robert T. Kingsbury James A. Wellman John C. Brooks Margaret S. Goodnow Adolphe L. Robert
<i>Commissioner of</i>	James N. Pringle
<i>Fish and Game Department, Director</i> ..	Robert H. Stobie
<i>Forester, State</i>	John H. Foster
<i>Forestry and Recreation Commission</i> ..	{ W. Robinson Brown Benjamin K. Ayers Harry K. Rogers
<i>Health, State Board of, Secretary</i>	Travis P. Burroughs
<i>Highway Commissioner</i>	Frederic E. Everett
<i>Insurance Commissioner</i>	John E. Sullivan
<i>Labor Commissioner</i>	John S. B. Davie
<i>State Board of Conciliation and Arbitration</i>	{ John R. McLane Walter F. Duffy Karl E. Merrill
<i>Librarian, State</i>	Thelma Brackett
<i>Liquor Commission, State</i>	{ William A. Jackson F. Clyde Keefe Walter G. White
<i>Motor Vehicles, Commissioner of</i>	John F. Griffin
<i>Planning and Development, State</i>	
<i>Planning Director</i>	Frederick P. Clark
<i>Publicity Director</i>	Donald D. Tuttle

<i>Public Service Commission</i>	{ Nelson L. Smith William H. Barry Claude H. Swain
<i>Purchasing Agent</i>	Harold Cheney
<i>Secretary of State</i>	Enoch D. Fuller
<i>Deputy</i>	Harry E. Jackson
<i>Tax Commission, State</i>	{ John R. Spring John T. Amey John G. Marston
<i>Treasurer, State</i>	F. Gordon Kimball
<i>Deputy</i>	John J. Scammon
<i>Weights and Measures, Commissioner</i> <i>of</i>	William H. Marcotte, Jr.
<i>Welfare and Relief</i>	
<i>Director of Welfare</i>	Jay H. Corliss
<i>Director of Relief</i>	Harry O. Page

SUPREME COURT

<i>Chief Justice</i>	John E. Allen
<i>Associate Justices</i>	{ Thomas L. Marble Oliver W. Branch Peter Woodbury Elwin L. Page
<i>Attorney-General</i>	Thomas P. Cheney
<i>Assistant</i>	Dudley W. Orr
<i>State Reporter</i>	Crawford D. Hening
<i>Clerk of the Supreme Court</i>	George O. Shovan

SUPERIOR COURT

<i>Chief Justice</i>	Henri A. Burque
<i>Associate Justices</i>	{ Oscar L. Young Warren W. James H. Thornton Lorimer Francis W. Johnston

THE LEGISLATURE OF 1937

SENATE

President—Anson C. Alexander, Boscawen, r.
Clerk—Benjamin F. Greer, Goffstown, r.
Assistant Clerk—Frank M. Ayer, Alton, r.
Sergeant-at-Arms—Raymond B. Lakeman, Laconia, r.
Messenger—Benjamin W. Bragg, Alstead, r.
Assistant Messenger—Charles C. Sargent, Concord, r.
Doorkeeper—William W. Allen, Concord, r.

SENATORS

Emmet J. Kelley, Berlin, d.
Lula J. A. Morris, Lancaster, r.
John B. Eames, Littleton, r.
Scott C. W. Simpson, Bartlett, r.
Alfred W. Guyer, Hanover, r.
George C. Stafford, Laconia, r.
Anson C. Alexander, Boscawen, r.
Howard H. Hamlin, Claremont, r.
Allen M. Freeman, Concord, r.
William B. Hanson, Gilsum, r.
Don W. Randall, Troy, r.
Philip C. Heald, Wilton, r.

Arthur O. Burque, Nashua, d.
Charles F. Eastman, Weare, d.
Robert O. Blood, Concord, r.
Allan M. Wilson, Manchester, r.
Denis F. Mahoney, Manchester, d.
J. Vincent Moran, Manchester, d.
J. Felix Daniel, Manchester, d.
Haven Doe, Somersworth, d.
Austin L. Calef, Barrington, d.
William M. Cole, Derry, r.
Arthur J. Conner, Exeter, r.
Charles A. Allen, Portsmouth, r.

HOUSE OF REPRESENTATIVES

Speaker—Oren V. Henderson, Durham, r.
Clerk—Harrie M. Young*, Manchester, r.
Assistant Clerk—Cyril J. Fretwell, Concord, r.
Sergeant-at-Arms—Guy S. Neal, Acworth, r.
Chaplain—William Weston, Hancock, r.
Reading Clerk—Francis H. Buffum, Dunbarton, r.
Doorkeeper—Arthur A. Tilton, Laconia, r.
Doorkeeper—Harry S. Yeaton, New Castle, r.
Doorkeeper—Clifton B. Tarlson, Laconia, r.
Doorkeeper—Lenne C. Twombly, Hill, r.

ROCKINGHAM COUNTY

Atkinsen, Harry B. Tuttle, r.
Auburn, Henry F. Dagan, d.
Brentwood, Bart E. Havican, r.
Candia, William E. Shaw, r.
Chester, Walter P. Tenney, r.
Danville, Richard H. Dickinson, r.
Deerfield, Carl M. Fogg, d.
Derry, Ernest L. Abbott, r.
Robert W. Burbank, r.
Oliver H. Hepworth, r.
Walter A. Pillsbury, r.
Epping, Thomas W. Fecteau, d.

Exeter, William A. McReel, r.
Harry Merrill, r.
George R. Scammon, r.
Willard K. Tozier, r.
Fremont, Clifton H. Beede, r.
Greenland, Harold A. Syphers, r.
Hampstead, Frank W. Emerson, r.
Hampton, Herbert Perkins, r.
Hampton Falls, Forrest B. Creighton, r.
Kensington, D. Everett Palmer, d.
Kingston, George B. Stevens, r.
Londonderry, Frank A. Nesmith, r.

* Died.

ROCKINGHAM COUNTY—*Continued*

New Castle, James W. Pridham, d.
Newmarket, Eugene Rousseau, d.
 Leo J. Turcotte, d.
Newton, A. Ralph Estabrook, r.
North Hampton, Forrest E. Knowles, r.
Northwood, William F. Mudge, r.
Nottingham, Frank H. Fernald, r.
Plaistow, John A. Palmer, r.
Portsmouth,
Ward 1, Andrew J. Barrett, d.
 Mary C. Dondero, d.
 Patrick J. Kittredge, d.
Ward 2, Harry H. Foote, r.
 Edwin W. Gray, r.
 Richard G. Pray, r.

John H. Yeaton, r.
Ward 3, William S. Canty, d.
 William Cogan, d.
Ward 4, Frank W. Badger, d.
Ward 5, Frederick Finnigan, d.
 William T. Rose, r.
Raymond, Willie B. Gile, d.
Rye, Walter G. Marston, r.
Salem, Carl Manor, r.
 Leonard B. Peever, r.
Sandoz, Clarence I. Drowne, r.
Seabrook, Elihu T. Adams, r.
Stratham, George C. Jewell, r.
Windham, George H. Butterfield, Jr., r.

STRAFFORD COUNTY

Barrington, Bertha Hayes Atwood, r.
Dover,
Ward 1, Clifton R. Hayes, r.
 Samuel L. Henderson, d.
 John E. McCooley, d.
Ward 2, Philias J. Chabot, d.
 Patrick J. Durkin, d.
 William A. Grimes, d.
Ward 3, Philip P. Caswell, r.
 George W. Garland, r.
Ward 4, Harold F. Blaisdell, d.
 Ernest L. Lucas, r.
 Dennis M. McDonough, d.
Ward 5, Edward Durnin, d.
Durham, Oren V. Henderson, r.
Farmington, Carl C. Blanchard, r.
 Fred L. Richards, r.
Lee, Frank I. Caldwell, d.
Middleton, Wesley J. Whitehouse, d.
Milton, George W. Longley, r.

New Durham, Ralph C. Jenkins, r.
Rochester,
Ward 1, Alfred Colby, d.
Ward 2, Maitland J. Berry, d.
 Miles H. Dustin, d.
Ward 3, Rudolph G. Cartier, d.
Ward 4, Louis S. Bergeron, d.
 Hervey E. Turcotte, d.
Ward 5, Spencer Dickinson, d.
Ward 6, Ralph F. Seavey, r.
 Charles W. Varney, Jr., r.
Rollinsford, George W. Nutter, d.
Somersworth,
Ward 1, Placide J. Lagueux, d.
Ward 2, Napoleon A. Habel, d.
Ward 3, Alfred J. Boucher, d.
Ward 4, Claire A. LaBonte, d.
 Romeo St. Laurent, d.
Ward 5, Onesime J. Dubois, d.
Strafford, William J. Elson*, r.

BELKNAP COUNTY

Alton, Charles A. Rollins, r.
Barnstead, Harry E. Little, r.
Belmont, Herbert C. Adams, r.
Center Harbor, John T. White, r.
Gilford, Perry E. Hunt, r.
Gilmanton, Roy C. Edgerly, d.

Laconia,
Ward 1, David O'Shan, r.
 Geo. Wesley Tarlson, Jr., r.
Ward 2, Alfred L. Guay, d.
 Fortunat A. Normandin, d.
Ward 3, Elmer S. Tilton, r.
Ward 4, Oscar L. Hoyt, r.
 Frederick A. Tilton, r.

* Died.

BELKNAP COUNTY—Continued

Laconia—Continued

Ward 5, Alfred J. Cantin, d.
Harry S. Dickson, r.
Ward 6, Frank E. Newell, r.
Edward M. Sanders, r.

Meredith, Norman R. Martin, d.
Ernest W. Small*, r.
New Hampton, Elsie Linn Smith, r.
Sanbornton, Charles F. Helms, r.
Tilton, Justin J. O'Shea, d.

CARROLL COUNTY

Bartlett, Uriah B. Russell, r.
Brookfield, Guy L. Churchill, r.
Chatham, Clarence Day, r.
Conway, Elmer H. Downs, r.
Perley W. Mudgett, r.
Otis M. Quint, r.
Eaton, Winfield S. Head, r.
Freedom, Fred Huntress, d.

Moultonborough, Edith D. Banfield, r.
Ossipee, Mark H. Winkley, r.
Sandwich, Charles B. Hoyt, r.
Tamworth, Charles A. Wiggins, d.
Wakefield, Ansel N. Sanborn, r.
Wolfeboro, Ralph G. Carpenter, 2nd, r.
Harold H. Hart, r.

MERRIMACK COUNTY

Allenstown, Alcide Courtemanche, d.
Andover, Oliver H. Munroe, r.
Boscawen, Harry W. Carter, d.
Bow, Burt Brown, r.
Concord,
Ward 1, Charles P. Coakley, d.
George Rivet, d.
Ward 2, Ralph L. Stearns, d.
Ward 3, George W. Kemp, r.
Ward 4, Albert S. Baker, r.
Arthur J. Boutwell, r.
Paul Amos Mansur, r.
Ward 5, Warren H. Butterfield, r.
George A. Conlon, r.
Ward 6, George H. Nash, r.
Donald W. Saltmarsh, r.
Arthur F. Sturtevant, r.
John C. Tilton, r.
Ward 7, Shirley Brunel, r.
Donald G. Matson, r.
George Azro Maxham, r.
Craig Wylie, r.
Ward 8, Simeon Sharaf, d.

Ward 9, William J. Ahern, d.
Thomas F. Donovan, d.
Epsom, Lewis H. Nutter, r.
Franklin,
Ward 1, Donald J. Piper, d.
Ward 2, Emile Carignan, d.
Eusebe P. Lemire, d.
Ward 3, John P. Dempsey, d.
Louis H. Douchinett, d.
Henniker, Silas A. Rowe, r.
Hill, Angelo H. Fowler, r.
Hooksett, Carl R. N. Johnson, r.
Fred N. Mitchell, r.
Hopkinton, John S. Ball, r.
Loudon, Charles L. Merrill, r.
New London, Fred S. Lovely, r.
Northfield, Albert A. Carr, r.
Pembroke, Antonio Dupont, d.
Romeo J. Lavallee, d.
Pittsfield, John H. Perkins, d.
Robert H. Sanderson, d.
Warner, Orton F. Hill, r.
Webster, Adam E. Mock, r.

HILLSBOROUGH COUNTY

Amherst, Percy M. Odell, r.
Antrim, Erwin D. Putnam, r.
Bedford, Augustus W. Clark, r.
Goffstown, Clarence J. Avery, r.
R. Robert Matheson, r.
Arthur E. Pattee, r.

Greenfield, George A. Reynolds, r.
Greenville, Bernadette E. Charois, d.
Hancock, Foster Stearns, r.
Hillsborough, George W. Boynton, r.
Daniel W. Cole, r.
Hollis, Edward Lievens, r.

* Died.

HILLSBOROUGH COUNTY—Continued

Hudson, Roland W. Abbott, r.
 Arthur W. Smith, r.
Lyndeborough, Erwin E. Cummings, r.
Manchester,
Ward 1, Stoddard B. E. Chase, r.
 Joel S. Daniels, Sr., r.
 Sherman L. Greer, r.
 Edward T. Knowlton, r.
Ward 2, Charles Henry Barnard, r.
 Perley W. Gage, r.
 Victor C. Johnson, r.
 Charles V. Kimball, r.
 Charles E. Woodbury, r.
Ward 3, Joseph M. Barry, d.
 Dennis Casey, d.
 Michael J. Dwyer, d.
 Martin A. Kelley, d.
 Michael A. Talty, d.
Ward 4, John F. Clark, d.
 James K. Clougherty, d.
 William W. Corey, d.
 Patrick J. Sullivan, d.
Ward 5, Stanley J. Betley, d.
 William F. Clancy, d.
 George T. Healy, d.
 Arthur J. Lacroix, d.
 Martin L. Mahoney, d.
 John C. O'Brien, d.
 Patrick J. Sweeney, d.
Ward 6, William J. Booth, d.
 Arthur J. Connelly, d.
 Paul J. Connolly, d.
 Frank M. Fox., Jr., d.
 John P. Jordan, d.
 John J. Sullivan, d.
Ward 7, Francis A. Farrell, d.
 John Fitzgerald, d.
 Alcide R. Gagnon, d.
 Mark J. Gorham, d.
 John A. Hanley, d.
 John J. Horan, d.
Ward 8, Frank J. Bolton, d.
 Edward F. Bouthiette, d.
 Joseph Chevrete, d.
 George N. Constant, d.
 Michael S. Donnelly, d.
 Henry Farland, d.
 Eugene Poulin, d.

John E. Walsh, d.
Ward 9, John F. Driscoll, d.
 Timothy F. Hayes, d.
 Leon R. Lareau, d.
Ward 10, Francis L. Gallagher, d.
 Philippe Gaudreault, d.
 John J. Kearns, d.
 George I. Van Vliet, d.
Ward 11, Henry E. Cullen, d.
 Joseph B. Haggerty, d.
 Edwin B. Kelley, d.
 Francis H. Sweeney, d.
Ward 12, Joseph P. Aubin, d.
 Charles A. Caron, d.
 George E. Desruisseaux, d.
 Alpha J. Letendre, d.
 Louis J. Soucy, d.
Ward 13, Almon A. Boisvert, d.
 Henry J. Janelle, d.
 Wilfred S. Lariviere, d.
 Lionel V. Lesmerises, d.
 Arthur H. St. Germain, d.
Merrimack, Claude M. Maker, r.
Milford, George R. Foster, r.
 C. Bradley Frost, r.
 Fred T. Wadleigh, r.
Nashua,
Ward 1, Blaylock Atherton, r.
 Mabel Thompson Cooper, r.
 Stanley James, r. and d.
 Ovid F. Winslow, r.
Ward 2, Louis H. Armington, r.
 Patrick J. Duclos, r.
Ward 3, John E. Bernard, d.
 Robert J. Dube, d.
 Sylvio C. Vigneault, d.
Ward 4, Timothy R. Drumm, d.
 Thomas F. Sullivan, d.
Ward 5, Adelard Berube, d.
 Edward DeLacombe, d.
 Emile E. Marquis, d.
Ward 6, Paul A. Moran, d.
 Theodore O. Ravenelle*, d.
 Robert St. Francois, d.
Ward 7, John A. Ledoux, d.
 Frank A. Lougee, d.
 William F. Maddox, Jr., d.

HILLSBOROUGH COUNTY—Continued

Nashua—Continued

Ward 8, Rodolphe Cormier, d.
 William A. Molloy, d.
 Aldege A. Noel, d.
 John D. Wilcox, d.

Ward 9, Paul E. Bouthillier, d.
 Joseph P. Poney, d.

New Boston, John E. Corliss, ind.

New Ipswich, William T. Thompson, r.
Pelham, Richard H. Currier, r
Peterborough, George D. Cummings, r
 Martin A. Hafeli, r.

Temple, Edward E. Tuttle, r.
Weare, John F. Tierney, r.
Wilton, Harold D. Cheever, r.

CHESHIRE COUNTY

Alstead, Henry LeRoy Estabrook, r.
Chesterfield, E. James Winslow, r.
Fitzwilliam, Julius H. Firmin, r.
Hinsdale, Abbie H. Robertson, r.
Jaffrey, Alfred S. Despres, d.
 Jason C. Sawyer, r.

Keene,

Ward 1, William J. Callahan, r.
 James C. Graves, r.
 George F. Knowlton, r.
 Arthur Olson, r.

Ward 2, William E. Jones, r.
 Dayton L. Park, r.

Ward 3, Wilder F. Gates, r.
 Cowling Hilton, r.

Ward 4, Marquis O. Spaulding, r.
 Clarence A. Wardwell*, r.

Ward 5, John M. Duffy, d.
 Carl D. Roche, d.
Marlborough, Fred D. Hemenway, r.
Nelson, Gordon F. Tolman, r.
Rindge, Harris H. Rice, r.
Sullivan, John H. Woodbury, r.
Surry, Robert M. Crain, r.
Swansey, Joseph A. Dubois, r.
 William R. Granger, r.
Troy, Ernest F. Barrett, d.
Walpole, William J. King, r.
 James T. Relihan, d.
Westmoreland, Glenn E. Britton, r.
Winchester, Winfred C. Burbank, r.
 Eli J. Horner, r.

SULLIVAN COUNTY

Acworth, H. Raymond Danforth, r.
Charlestown, Charles S. Hutchins, r.
Claremont, Herbert C. Chandler, d.
 James D. Daly, d.
 Clarence B. Etsler, r.
 William L. Gaffney, d.
 P. Earl Hosking, d.
 Earl F. Howe, r.
 Charles H. Putnam, r.
 Erwin W. Quimby, d.
 Thomas J. Sheehan, d.
 Edwin A. Thomas, d.

Cornish, Eben M. Johnson, r.
Goshen, Lester E. Brigham, r.
Newport, Maurice H. Cummings, d.
 Harold G. Fairbanks, r.
 John R. Kelly, r.
 Leon E. Kempton, d.
Plainfield, Fred A. Rogers, r.
Sunapee, Leo L. Osborne, d.
Unity, George B. Cram, d.

* Died.

GRAFTON COUNTY

Alexandria, David B. Plumer*, r.
Ashland, Abraham L. Davis, Jr., r.
Bath, Adelbert W. Bailey, r.
Bethlehem, Harry A. Goodwin, d.
Bridgewater, Harris W. Hammond, r.
Bristol, Willard S. H. Remick, r.
Campton, Bertram W. Pulsifer, r.
Canaan, Joseph L. Graham, r.
Enfield, Herbert E. Walbridge, r.
Groton, Warren A. Remick, d.
Hanover, Edgar H. Hunter, r.
 William J. Lanyon, r.
 Francis V. Tuxbury, r.
Haverhill, Clarence L. Bailey, r.
 Hormidas J. Brunelle, r.
 Herbert E. Smith, r.
Holderness, Harold F. Perkins, d.
Landaff, Harry G. Titus, r.
Lebanon, William Dubuque, d.
 Harold C. French, d.
 Florence Ward Hoyt, r.

Fred A. Jones, r.
 Joseph B. Perley, r.
 Mabel Sliney, d.
Lincoln, Francis E. Madden, d.
Lisbon, James E. Collins, r.
 Arthur L. Hamilton, r.
Littleton, Jacob F. Hildebrand, r.
 Herbert S. Lewis*, r.
 Charles E. Magoon, r.
 Ada A. Soper, r.
Lyme, Frank H. Bailey, r.
Monroe, Jed B. Jones, r.
Orford, Edgar C. Lufkin, r.
Piermont, Earl V. Howard, r.
Plymouth, Kenneth G. Bell, r.
 Harry A. Merrill, d.
Rumney, John Z. Taylor, r.
Thornton, Charles R. Houston, r.
Warren, Samuel H. Dreghorn, r.
Wentworth, Lester C. Hutchins, d.
Woodstock, Harry D. Sawyer, d.

COOS COUNTY

Berlin,
 Ward 1, Margaret H. Barden, d.
 Peter Collette, d.
 Elisabeth H. Mason, d.
 Henry M. Moffett, d.
 Joseph F. Roy, d.
 Ward 2, Harry L. Henderson, d.
 Aristide T. Montminy, d.
 Albert G. Palmer, d.
 George T. Studd, d.
 Ward 3, Hilda C. F. Brungot, r.
 Raoul L. Ramsey, d.
 Arthur F. Snodgrass, r.
 Ward 4, Esther C. Bixby, d.
 Alphonsine M. Dugas, d.
 Patrick L. Dutil, d.
 Letitia Jane Myler, d.
Carroll, Joseph A. Seymour, d.

Clarksville, Charles L. Felton, r.
Colebrook, George W. Dickson, r.
 Louis Ramsay, r.
Columbia, Albion Parkhurst, r.
Errol, Arthur K. Jordan, r.
Gorham, Charles A. Chandler, d.
 Merton M. Willis, r.
Jefferson, Edward D. Parker, r.
Lancaster, Arthur C. Cryan, r.
 William H. Thompson, r.
Milan, Lloyd E. Fogg, r.
Northumberland, Albert R. Johnson, d.
 Clarence A. Marshall,
Pittsburg, Willie N. Judd, d.
Shelburne, Maud G. Rix, r.
Stewartstown, Albert L. Fuller, r.
Stratford, Loyal P. Brown, d.
Whitefield, George W. Witcher, r.

* Died.

LAWS

OF THE

STATE OF NEW HAMPSHIRE

PASSED JANUARY SESSION, 1937

CHAPTER 1

AN ACT PROVIDING FOR AN EXTENSION OF THE ACT RELATIVE TO
THE ISSUANCE WITH STATE GUARANTEE OF EMERGENCY
NOTES AND BONDS BY TOWNS, CITIES AND
COUNTIES.

SECTION

1. Provisions extended.

SECTION

2. Takes effect.

*Be it enacted by the Senate and House of Representatives in
General Court convened:*

1. Provisions Extended. Amend section 8 of chapter 63, Laws of 1933, as amended by chapter 39, Laws of 1935, by striking out said section and inserting in place therefor the following: **8. Duration of Authority.** The authority given to the governor and council to issue certificates of emergency or to guarantee the payment of loans made by virtue of such certificates shall continue for the term of six years from the date of the passage of this act, but all other provisions of this act shall remain in force until the loans authorized by this act have been fully paid.

2. Takes Effect. This act shall take effect upon its passage.

[Approved February 10, 1937.]

CHAPTER 2.

AN ACT RELATING TO THE TAKING OF PICKEREL IN LAKE WINNIPESAUKEE, LAKE MASSABESIC, SQUAM LAKE AND LAKE WINNISQUAM.

SECTION

1. Taking pickerel.

SECTION

2. Takes effect.

Be it enacted by the Senate and House of Representatives in General Court convened:

1. Taking. Amend section 12 of chapter 201 of the Public Laws as inserted by section 5, chapter 124 of the Laws of 1935, by striking out said section and inserting in place thereof the following: **12. Pickerel.** Pickerel not less than twelve inches in length may be taken and possessed from June first to January sixteenth, except that in Lake Winnepesaukee, Lake Massabesic, Squam Lake and Lake Winnisquam pickerel of not less than twelve inches in length may be taken and possessed from June first to April first. A person may take not more than ten pounds of pickerel in one day, provided that so long as he has taken less than ten pounds he shall be entitled to one additional fish.

2. Takes Effect. This act shall take effect upon its passage.

[Approved February 10, 1937.]

CHAPTER 3.

AN ACT RELATING TO THE TAKING OF FOX.

SECTION

1. Change in season and limit.

SECTION

2. Takes effect.

Be it enacted by the Senate and House of Representatives in General Court convened:

1. Change in Season and Limit. Amend section 2 of chapter 200 of the Public Laws, as amended by section 4 of chapter 124 of the Laws of 1935, by striking out the whole of said section and inserting in place thereof the following:

2. Fox. Fox may be taken and possessed with the aid or by the use of a dog and gun from September first to March first, and by the use of traps from November first to March first.

2. Takes Effect. This act shall take effect upon its passage.

[Approved February 10, 1937.]

CHAPTER 4.

AN ACT RELATING TO DIVORCE.

SECTION

1. Cause for divorce.

SECTION

2. Takes effect.

Be it enacted by the Senate and House of Representatives in General Court convened:

1. Cause for Divorce. Amend paragraph IV of section 6, of chapter 287 of the Public Laws by striking out said paragraph and inserting in place thereof the following: **IV.** Conviction of either party, in any state or federal district, of a crime punishable with imprisonment for more than one year and actual imprisonment under such conviction.

2. Takes Effect. This act shall take effect upon its passage.

[Approved February 10, 1937.]

CHAPTER 5.

AN ACT TO ESTABLISH A NEW APPORTIONMENT FOR THE ASSESSMENT OF PUBLIC TAXES.

SECTION

1. Apportionment.
2. Limitation.

SECTION

3. Takes effect.

Be it enacted by the Senate and House of Representatives in General Court convened:

1. Apportionment. That of every thousand dollars of public taxes hereafter to be raised, the proportion which each town and place shall pay, and for which the treasurer of the state is hereby authorized to issue his warrant, shall be as follows, to wit:

Rockingham County, \$114.34

Atkinson, seventy-eight cents	\$0.78
Auburn, one dollar and twenty-six cents	1.26

Brentwood, eighty cents	\$0.80
Candia, one dollar and thirty-seven cents	1.37
Chester, one dollar and twenty-six cents	1.26
Danville, fifty-seven cents .....	.57
Deerfield, one dollar and four cents	1.04
Derry, eight dollars and seventy-five cents	8.75
East Kingston, fifty-eight cents .....	.58
Epping, one dollar and eighty-five cents	1.85
Exeter, thirteen dollars and two cents	13.02
Fremont, one dollar and two cents	1.02
Greenland, ninety cents .....	.90
Hampstead, one dollar and twenty-nine cents	1.29
Hampton, eight dollars and fifty-six cents	8.56
Hampton Falls, one dollar and nineteen cents	1.19
Kensington, sixty-four cents .....	.64
Kingston, one dollar and thirty-four cents	1.34
Londonderry, one dollar and eighty-six cents	1.86
New Castle, one dollar and forty-two cents	1.42
Newfields, sixty-seven cents .....	.67
Newington, seventy-nine cents .....	.79
Newmarket, two dollars and sixty-three cents	2.63
Newton, one dollar and three cents	1.03
North Hampton, three dollars and twenty-five cents ..	3.25
Northwood, one dollar and thirty-nine cents	1.39
Nottingham, ninety-two cents .....	.92
Plaistow, one dollar and fifty-eight cents	1.58
Portsmouth, thirty-five dollars and seventy-seven cents	35.77
Raymond, one dollar and ninety-one cents	1.91
Rye, four dollars and seventy-six cents	4.76
Salem, four dollars and ninety-seven cents	4.97
Sandown, thirty-nine cents .....	.39
Seabrook, one dollar and forty-eight cents	1.48
South Hampton, forty-three cents .....	.43
Stratham, one dollar and seventeen cents	1.17
Windham, one dollar and seventy cents	1.70

Strafford County, \$74.07

Barrington, one dollar and twenty-five cents	\$1.25
Dover, twenty-eight dollars and seventy-three cents ..	28.73
Durham, three dollars and twenty-nine cents	3.29

Farmington, three dollars and seventy-seven cents..	\$3.77
Lee, seventy-three cents .....	.73
Madbury, sixty-three cents .....	.63
Middleton, eighteen cents .....	.18
Milton, two dollars and ninety-one cents	2.91
New Durham, seventy-two cents .....	.72
Rochester, nineteen dollars and fifty-six cents	19.56
Rollinsford, two dollars and thirty-seven cents.....	2.37
Somersworth, eight dollars and eighty-two cents	8.82
Strafford, one dollar and eleven cents	1.11

Belknap County, \$50.30

Alton, three dollars and forty-two cents	\$3.42
Barnstead, one dollar and nineteen cents	1.19
Belmont, one dollar and seventy-two cents	1.72
Center Harbor, one dollar and forty-two cents	1.42
Gilford, two dollars and thirty-eight cents	2.38
Gilmanton, one dollar and twenty-four cents	1.24
Laconia, twenty-five dollars and sixty-one cents	25.61
Meredith, four dollars and ninety-six cents	4.96
New Hampton, two dollars and fifty-three cents	2.53
Sanbornton, one dollar and forty-two cents	1.42
Tilton, four dollars and forty-one cents	4.41

Carroll County, \$33.62

Albany, twenty-eight cents	\$0.28
Bartlett, one dollar and sixty-nine cents	1.69
Brookfield, forty-one cents .....	.41
Chatham, thirty-one cents .....	.31
Conway, five dollars and thirty-nine cents	5.39
Eaton, thirty-six cents .....	.36
Effingham, sixty cents .....	.60
Freedom, eighty-six cents .....	.86
Hart's Location, thirteen cents .....	.13
Jackson, one dollar and eighteen cents	1.18
Madison, ninety-five cents .....	.95
Moultonborough, three dollars and forty-four cents..	3.44
Ossipee, two dollars and forty-one cents	2.41
Sandwich, two dollars and forty-five cents	2.45
Tamworth, two dollars and thirty-two cents	2.32
Tuftonboro, two dollars and eighteen cents	2.18

Wakefield, two dollars and forty-seven cents	\$2.47
Wolfeboro, six dollars and nineteen cents	6.19

Merrimack County, \$130.14

Allenstown, two dollars and twenty-three cents	\$2.23
Andover, two dollars and thirty-eight cents	2.38
Boscawen, two dollars and forty-five cents	2.45
Bow, two dollars and forty-one cents	2.41
Bradford, one dollar and fifty cents	1.50
Canterbury, one dollar and nine cents	1.09
Chichester, one dollar and six cents	1.06
Concord, sixty-seven dollars and fifty-four cents....	67.54
Danbury, seventy-six cents .....	.76
Dunbarton, ninety-seven cents .....	.97
Epsom, one dollar and fifty-three cents	1.53
Franklin, twelve dollars and seventy-seven cents....	12.77
Henniker, two dollars and seventy-nine cents	2.79
Hill, one dollar and twelve cents	1.12
Hooksett, three dollars and twenty-four cents	3.24
Hopkinton, three dollars and fifty-four cents	3.54
Loudon, one dollar and thirty-five cents	1.35
Newbury, two dollars and two cents	2.02
New London, three dollars and twenty-eight cents ..	3.28
Northfield, two dollars and thirteen cents	2.13
Pembroke, four dollars and thirty-eight cents	4.38
Pittsfield, three dollars and seventy-two cents	3.72
Salisbury, ninety cents .....	.90
Sutton, one dollar and fifteen cents	1.15
Warner, two dollars and twenty-four cents	2.24
Webster, ninety-five cents .....	.95
Wilmot, sixty-four cents .....	.64

Hillsborough County, \$290.88

Amherst, two dollars and seventeen cents	\$2.17
Antrim, two dollars and twenty-nine cents	2.29
Bedford, two dollars and eighty-eight cents	2.88
Bennington, one dollar and sixty-five cents	1.65
Brookline, eighty-eight cents .....	.88
Deering, sixty-six cents .....	.66
Francestown, ninety-one cents .....	.91
Goffstown, six dollars and ninety-five cents	6.95

Greenfield, ninety-nine cents	\$0.99
Greenville, two dollars and thirty-six cents	2.36
Hancock, one dollar and sixty-seven cents	1.67
Hillsborough, four dollars and sixty-nine cents	4.69
Hollis, one dollar and seventy-five cents	1.75
Hudson, three dollars and thirty-five cents	3.35
Litchfield, seventy-six cents .....	.76
Lyndeborough, one dollar	1.00
Manchester, one hundred sixty-three dollars and seventy-nine cents	163.79
Mason, forty-six cents .....	.46
Merrimack, two dollars and fifty-two cents	2.52
Milford, seven dollars and eighty cents	7.80
Mont Vernon, eighty cents .....	.80
Nashua, sixty-two dollars and twenty cents	62.20
New Boston, one dollar and fifty cents	1.50
New Ipswich, one dollar and fifty cents	1.50
Pelham, one dollar and fifty-one cents	1.51
Peterborough, seven dollars and fifty-four cents	7.54
Sharon, twenty-six cents .....	.26
Temple, forty-five cents .....	.45
Weare, two dollars and thirty-five cents	2.35
Wilton, three dollars and fifteen cents	3.15
Windsor, nine cents .....	.09

Cheshire County, \$74.06

Alstead, one dollar and twenty-six cents	\$1.26
Chesterfield, two dollars and five cents	2.05
Dublin, three dollars and twenty-two cents	3.22
Fitzwilliam, one dollar and thirty-eight cents	1.38
Gilsum, forty-nine cents .....	.49
Harrisville, one dollar and fifty-five cents	1.55
Hinsdale, five dollars and thirty cents	5.30
Jaffrey, six dollars and twenty-one cents	6.21
Keene, thirty dollars and eighty-one cents	30.81
Marlborough, two dollars and twenty-three cents	2.23
Marlow, forty-seven cents .....	.47
Nelson, fifty-eight cents .....	.58
Richmond, forty-three cents .....	.43
Rindge, one dollar and eighty cents	1.80
Roxbury, nineteen cents .....	.19

Stoddard, seventy cents	\$0.70
Sullivan, thirty-one cents .....	.31
Surry, fifty-four cents .....	.54
Swanzy, two dollars and sixty-two cents	2.62
Troy, one dollar and seventy-two cents	1.72
Walpole, six dollars and six cents	6.06
Westmoreland, ninety-three cents .....	.93
Winchester, three dollars and twenty-one cents	3.21

Sullivan County, \$46.85

Acworth, fifty-eight cents	\$0.58
Charlestown, three dollars and six cents	3.06
Claremont, twenty-three dollars and fifty-five cents..	23.55
Cornish, one dollar and sixty-five cents	1.65
Croydon, sixty-six cents .....	.66
Goshen, forty-four cents .....	.44
Grantham, thirty-six cents .....	.36
Langdon, thirty-seven cents .....	.37
Lempster, thirty-eight cents .....	.38
Newport, eight dollars and sixty-four cents	8.64
Plainfield, one dollar and sixty-four cents	1.64
Springfield, sixty-nine cents .....	.69
Sunapee, three dollars and fifty-two cents	3.52
Unity, fifty-five cents .....	.55
Washington, seventy-six cents .....	.76

Grafton County, \$107.35

Alexandria, eighty-one cents	\$0.81
Ashland, three dollars and one cent	3.01
Bath, one dollar and fifty cents	1.50
Benton, twenty-five cents .....	.25
Bethlehem, five dollars and twenty-eight cents	5.28
Bridgewater, ninety-eight cents .....	.98
Bristol, four dollars and sixty-five cents	4.65
Campton, two dollars and twenty-six cents	2.26
Canaan, two dollars and fourteen cents	2.14
Dorchester, thirty-seven cents .....	.37
Easton, twenty-one cents .....	.21
Ellsworth, five cents .....	.05
Enfield, two dollars and forty-six cents	2.46
Franconia, one dollar and seventy-one cents	1.71

Grafton, eighty-eight cents	\$0.88
Groton, seventy-three cents .....	.73
Hanover, ten dollars and one cent	10.01
Haverhill, six dollars and seventy cents	6.70
Hebron, ninety-one cents .....	.91
Holderness, two dollars and seventy cents	2.70
Landaff, fifty-one cents .....	.51
Lebanon, thirteen dollars and fifty-eight cents	13.58
Lincoln, two dollars and eleven cents	2.11
Lisbon, four dollars and ninety-four cents	4.94
Littleton, eight dollars and fifty-nine cents	8.59
Livermore, thirty-eight cents .....	.38
Lyman, fifty-two cents .....	.52
Lyme, one dollar and fifty-three cents	1.53
Monroe, thirteen dollars and fifty-three cents	13.53
Orange, twenty cents .....	.20
Orford, one dollar and twenty-six cents	1.26
Piermont, one dollar and three cents	1.03
Plymouth, five dollars and seventy-four cents	5.74
Rumney, one dollar and forty-two cents	1.42
Thornton, seventy-four cents .....	.74
Warren, one dollar and seven cents	1.07
Waterville, twenty-one cents .....	.21
Wentworth, eighty-nine cents .....	.89
Woodstock, one dollar and forty-nine cents	1.49

Coos County, \$75.05

Berlin, twenty-nine dollars and eleven cents	\$29.11
Carroll, two dollars and fifty-two cents	2.52
Clarksville, seventy-seven cents .....	.77
Colebrook, three dollars and seventy-two cents	3.72
Columbia, eighty-four cents .....	.84
Dalton, seventy-seven cents .....	.77
Dummer, fifty-five cents .....	.55
Errol, one dollar and eleven cents	1.11
Gorham, eight dollars and seventy-five cents	8.75
Jefferson, one dollar and fifty cents	1.50
Lancaster, six dollars and sixty cents	6.60
Milan, one dollar and two cents	1.02
Northumberland, four dollars and eleven cents	4.11
Pittsburg, three dollars and eighty-eight cents	3.88

Randolph, seventy-eight cents	\$0.78
Shelburne, ninety-three cents .....	.93
Stark, sixty-six cents .....	.66
Stewartstown, one dollar and forty-eight cents	1.48
Stratford, one dollar and ninety-five cents	1.95
Wentworth's Location, eighteen cents .....	.18
Whitefield, three dollars and eighty-two cents	3.82

Unincorporated Places, \$3.34

Cambridge, eighty-one cents	\$0.81
Crawford's Purchase, seven cents .....	.07
Dixville, ninety-six cents .....	.96
Dix's Grant, eighteen cents .....	.18
Erving's Grant, one cent .....	.01
Gilmanton and Atkinson Academy Grant, three cents .....	.03
Green's Grant, nine cents .....	.09
Hale's Location, one cent .....	.01
Millsfield, thirty-six cents .....	.36
Odell, twenty-six cents .....	.26
Sargent's Purchase, ten cents .....	.10
Second College Grant, eleven cents .....	.11
Success, twenty-five cents .....	.25
Thompson and Meserve Purchase, ten cents .....	.10

2. Limitation. The same shall be the proportion of assessment of all public taxes until a new apportionment shall be made and established and the treasurer for the time being shall issue his warrant accordingly.

3. Takes Effect. This act shall take effect upon its passage.

[Approved February 17, 1937.]

CHAPTER 6.

AN ACT RELATING TO BULKY ARTICLE ATTACHMENTS.

SECTION

1. Attachment of motor vehicles

SECTION

2. Takes effect.

Be it enacted by the Senate and House of Representatives in General Court convened:

1. Attachment of Motor Vehicles. Amend section 23 of chapter 332 of the Public Laws by adding after the words

“inflammable qualities” in line three the words, including motor vehicles, trucks, trailers and tractors, so that said section as amended shall read as follows: 23. **Bulky Articles, etc.** The officer taking possession to levy upon or attaching any live stock or articles which, by reason of their size, situation, fluidity, explosive or inflammable qualities, including motor vehicles, trucks, trailers and tractors, are incapable of being conveniently taken into actual possession, may, within forty-eight hours thereafter, leave an attested copy of the writ, and of his return of such taking possession or such attachment thereon, at the home or office of the town clerk in the same manner as attachment of real estate is made, except as to the place of filing the copy; and in such cases the attachment shall not be dissolved or defeated by any neglect of the officer to take actual possession of the property.

2. Takes Effect. This act shall take effect upon its passage.

[Approved February 17, 1937.]

CHAPTER 7.

AN ACT RELATING TO THE PENALTY FOR AGGRAVATED ASSAULTS.

SECTION

1. Change in penalty.

SECTION

2. Takes effect.

Be it enacted by the Senate and House of Representatives in General Court convened:

1. Change in Penalty. Amend section 23 of chapter 392 of the Public Laws by striking out the words “one year” in the third line and inserting in place thereof the words, three years, and by striking out the word “two” in the second line and inserting in place thereof the word, five, so that said section as amended shall read as follows: 23. **Aggravated Assaults.** If the offense is of an aggravated nature, the offender shall be fined not more than five hundred dollars, or imprisoned not more than three years, or both.

2. Takes Effect. This act shall take effect upon its passage.

[Approved February 17, 1937.]

CHAPTER 8.

AN ACT RELATING TO INVESTMENTS BY GUARDIANS.

SECTION

1. Investments by guardians.

SECTION

2. Repeal; takes effect.

Be it enacted by the Senate and House of Representatives in General Court convened:

1. Investments by Guardians. Amend section 22 of chapter 290 of the Public Laws as amended by chapter 71 of the Laws of 1931 by adding at the end of sub-section I the words, or in notes or bonds secured by mortgage insured by the federal housing administrator and guaranteed by the United States of America; further amend said section 22 by striking from sub-section III the words "with the exception of stocks in banking corporations and trust companies"; so that said section as amended shall read as follows:

22. Approved Classes. Every guardian of a minor shall invest, in the name of his ward, or in his own name as guardian, the money and the proceeds of all real and personal property of his ward not required for the ward's support in the following described classes of property only:

I. In notes secured by mortgage of real estate at least double in value of the notes, or in notes or bonds secured by mortgage insured by the federal housing administrator and guaranteed by the United States of America.

II. By deposit in some incorporated savings bank in this state, or in the savings department of a national bank or trust company located in this state.

III. In such other stocks and bonds as are legal investments for savings banks in this state.

2. Repeal; Takes Effect. All acts and parts of acts inconsistent with this act are hereby repealed, and this act shall take effect upon its passage.

[Approved February 17, 1937.]

CHAPTER 9.

AN ACT RELATING TO EMERGENCY PUBLIC WORKS.

SECTION

1. Extension of authority.

SECTION

2. Takes effect.

Be it enacted by the Senate and House of Representatives in General Court convened:

1. Extension of Authority. Amend section 29 of chapter 113 of the Laws of 1935 by striking out the word and figures "June 30, 1937" in the sixth and seventh lines and inserting in place thereof the word and figures December 31, 1939, so that said section as amended shall read as follows: **29. Termination of Power to Issue Bonds.** Except in pursuance of any contract or agreement theretofore entered into by and between any municipality, or school district or village district and any federal agency, no municipality, or school district or village district shall borrow any money or deliver any bonds pursuant to the provisions of this act after December 31, 1939.

2. Takes Effect. This act shall take effect upon its passage

[Approved February 25, 1937.]

CHAPTER 10.

AN ACT REGARDING LIENS ON REAL ESTATE.

SECTION

1. Extension of lien.

SECTION

2. Takes effect.

Be it enacted by the Senate and House of Representatives in General Court convened:

1. Extension of Lien. During the calendar years of 1937 and 1938 the lien on real estate provided for in section 17 of chapter 66 of the Public Laws shall continue to October first, instead of July first.

2. Takes Effect. This act shall take effect upon its passage.

[Approved February 25, 1937.]

CHAPTER 11.

AN ACT TO INCREASE THE SALARY OF SOLICITOR OF SULLIVAN COUNTY.

SECTION

1. Salary of solicitor of Sullivan county.

SECTION

2. Takes effect.

Be it enacted by the Senate and House of Representatives in General Court convened:

1. Salary of Solicitor of Sullivan County. Amend section 20, chapter 16 of the Public Laws, as amended by chapters 76 and 152 of the Laws of 1931, by striking out the word "eight," after the word "Sullivan" in the eleventh line, and inserting in place thereof the word twelve, so that said section as amended shall read: **20.* Salaries.** The annual salaries of the solicitors in the several counties shall be as follows:

In Rockingham, fifteen hundred dollars;

In Strafford, twelve hundred dollars;

In Belknap, nine hundred dollars;

In Carroll, eight hundred dollars;

In Merrimack, twelve hundred and fifty dollars;

In Hillsborough, twenty-five hundred dollars;

In Cheshire, eight hundred dollars;

In Sullivan, twelve hundred dollars;

In Grafton, twelve hundred dollars;

In Coos, fifteen hundred dollars.

2. Takes Effect. This act shall take effect upon its passage.

[Approved February 25, 1937.]

CHAPTER 12.

AN ACT RELATING TO THE TERMS OF THE PROBATE COURT FOR THE COUNTY OF STRAFFORD.

SECTION

1. Strafford probate court, terms.

SECTION

2. Takes effect.

Be it enacted by the Senate and House of Representatives in General Court convened:

1. Strafford Probate Court, Terms. Amend section 2, chapter 295 of the Public Laws, by striking out the whole

* Amended, chapter 117, *post*.

thereof and substituting the following therefor: **2. Strafford.** For the county of Strafford,—at Dover, on the first Tuesday of July and August, and on the first and third Tuesdays of other months.

2. Takes Effect. This act shall take effect May 1, 1937.

[Approved February 25, 1937.]

CHAPTER 13.

AN ACT CHANGING THE NAME OF SNAKE POND IN THE TOWN OF OSSIPÉE.

SECTION

1. Name changed.

SECTION

2. Takes effect.

*Be it enacted by the Senate and House of Representatives in
General Court convened:*

1. Name Changed. The name of Snake Pond in the town of Ossipee is hereby changed to Mystery Pond.

2. Takes Effect. This act shall take effect upon its passage.

[Approved February 25, 1937.]

CHAPTER 14.

AN ACT RELATIVE TO CLOSING NORTH RIVER LAKE IN THE TOWNS OF NORTHWOOD, NOTTINGHAM AND BARRINGTON TO ICE FISHING.

SECTION

1. Closed to ice fishing.

SECTION

2. Takes effect.

*Be it enacted by the Senate and House of Representatives in
General Court convened:*

1. Closed to Ice Fishing. Amend chapter 155 of the Laws of 1935 by inserting after section 5 the following new section:
5-a. North River Lake. North River lake in the towns of Northwood, Nottingham and Barrington is hereby closed to fishing through the ice.*

2. Takes Effect. All acts or parts of acts inconsistent with this act are hereby repealed and this act shall take effect upon its passage.

[Approved March 3, 1937.]

* Amended, chapter 188, *post*.

CHAPTER 15.

AN ACT RELATING TO INSPECTORS OF ELECTIONS.

SECTION

1. Election inspectors.

SECTION

2. Takes effect.

Be it enacted by the Senate and House of Representatives in General Court convened:

1. Election Inspectors. Amend section 25 of chapter 26 of the Public Laws, as amended by section 1 of chapter 12 of the Laws of 1929, by striking out the whole of said section and substituting therefor the following: **25. Appointment.** The mayor and board of aldermen of each city and the selectmen of each town, at some time between the first and tenth days of October preceding the biennial election, shall appoint, as additional election officers to act with the clerk, moderator, and selectmen at each polling place, four inspectors. Provided that, if the number of voters qualified to vote at such polling place shall exceed two thousand, the mayor and board of aldermen of each city and the selectmen of each town may appoint for such polling place two additional inspectors for each additional two thousand qualified voters or fraction thereof.

2. Takes Effect. This act shall take effect upon its passage.

[Approved March 3, 1937.]

CHAPTER 16.AN ACT AUTHORIZING THE STATE BOARD OF HEALTH TO MAKE
SANITARY REGULATIONS FOR INTERSTATE WATERS USED
AS SOURCES OF PUBLIC DRINKING WATER SUPPLY.

SECTION

1. State board of health, authority
to make certain regulations.

SECTION

2. Takes effect.

Be it enacted by the Senate and House of Representatives in General Court convened:

1. State Board of Health. Amend chapter 141 of the Public Laws by inserting after section 15, as amended by chapter 10 of the Laws of 1933, the following new section: **15-a. Regulations for Interstate Waters Used as Sources of Public Water Supply by Adjoining States.** For the purpose of

protecting the purity of interstate waters used as sources of public drinking water supply by adjoining states, and with a view to reciprocal action by such adjoining states for the benefit of this state, the state board of health is hereby authorized, at the request of the state health department of an adjoining state, to make regulations for the protection of the purity of the waters of any lakes, ponds, streams and reservoirs within any specified drainage area in this state, tributary to any public drinking water supply for such adjoining state.

2. Takes Effect. This act shall take effect upon its passage.

[Approved March 11, 1937.]

CHAPTER 17.

AN ACT RELATING TO THE WEIGHING OF MILK.

SECTION	SECTION
1. Weight certificate for milk.	3. Enforcement.
2. Penalty.	4. Takes effect.

Be it enacted by the Senate and House of Representatives in General Court convened:

1. Weight Certificate for Milk. Every person who shall receive any milk or cream at milk receiving stations as defined in section 54, chapter 163, of the Public Laws shall upon receipt of said milk or cream furnish to the producer a certificate of weight which shall contain the name and address of the receiving station, the name or account number of the producer, the date and the weight of the milk or cream received.

2. Penalty. Any person who refuses or fails to furnish the weight certificate required by the preceding section shall be fined not less than twenty nor more than two hundred dollars.

3. Enforcement. It shall be the duty of the commissioner of weights and measures to enforce the provisions of this act.

4. Takes Effect. This act shall take effect thirty days after its passage.

[Approved March 11, 1937.]

CHAPTER 18.

AN ACT RELATING TO THE LICENSING OF COLD STORAGE
WAREHOUSES.

SECTION

1. Licenses for cold storage ware-
houses.

SECTION

2. Takes effect; interim licenses.

*Be it enacted by the Senate and House of Representatives in
General Court convened:*

1. Licenses for Cold Storage Warehouses. Amend section 3 of chapter 138 of the Public Laws by inserting in the eighth line after the word "year" the words, or fraction thereof, also by adding at the end of said section the following: All licenses shall expire on the first day of January next following their issuance, so that said section as amended shall read as follows: **3. Application; Issue; Fee.** Application for such a license shall be made to the board in writing, stating the location of the plant or plants. On receipt of the application the board shall cause an examination of such plant to be made, and if it is found to be in a sanitary condition and otherwise properly equipped for the business of cold storage the board shall cause a license to be issued authorizing the applicant to operate a cold storage or refrigerating warehouse for the period of one year or fraction thereof, upon payment of a license fee of ten dollars, for the use of the state. All licenses shall expire on the first day of January next following their issuance.

2. Takes Effect; Interim Licenses. This act shall take effect on January 1, 1938, provided that any license which may be renewed or issued during the period from the passage of this act and the effective date hereof shall expire on January 1, 1938, unless sooner suspended for cause and the fee for such license shall be such proportionate part of ten dollars as the period covered by the license bears to a full year.

[Approved March 11, 1937.]

CHAPTER 19.

AN ACT RELATING TO SUITS AGAINST RECEIPTORS.

SECTION

1. Suits against receiptors.

SECTION

2. Takes effect.

Be it enacted by the Senate and House of Representatives in General Court convened:

1. Suits against Receiptors. Amend section 5 of chapter 324 of the Public Laws by adding at the end thereof the words, But nothing in this section shall prevent a sheriff or his deputy from serving process or levying execution himself in any case in which he is plaintiff by virtue of a receiptor given to him, so that said section as amended shall read as follows: **5. Interest in Suit.** When the sheriff is a party or related to either party, or interested in the suit, bill in equity or other process, the writ or other process in such action may be served by the sheriff or deputy sheriff of any other county or by his own deputy; and the sheriff may serve writs or other process upon his own deputies, and the official bond of the sheriff's deputies shall protect him, the same as in other cases where he is not a party, and the bond of the sheriff shall protect his deputies on whom he may serve process. But nothing in this section shall prevent a sheriff or his deputy from serving process or levying execution himself in any case in which he is plaintiff by virtue of a receiptor given to him.

2. Takes Effect. This act shall take effect upon its passage.

[Approved March 11, 1937.]

CHAPTER 20.

AN ACT RELATING TO HOMICIDE.

SECTION

1. Murder; degrees of.

SECTION

2. Takes effect.

Be it enacted by the Senate and House of Representatives in General Court convened:

1. Murder. Amend section 1 of chapter 392 of the Public Laws by inserting after the word "arson" in line three, the word kidnapping, so that said section as amended shall read as follows: **1. Degrees.** All murder committed by poison,

starving, torture or other deliberate and premeditated killing, or committed in perpetrating or attempting to perpetrate arson, kidnapping, rape, robbery or burglary, is murder of the first degree; and all murder not of the first degree is of the second degree.

2. Takes Effect. This act shall take effect upon its passage.

[Approved March 11, 1937.]

CHAPTER 21.

AN ACT RELATING TO ACTIONS FOR MALPRACTICE.

SECTION

1. Limitation of actions for malpractice.

SECTION

2. Takes effect.

Be it enacted by the Senate and House of Representatives in General Court convened:

1. Limitation of Actions. Amend section 3 of chapter 329 of the Public Laws by inserting after the word "person" in the first line thereof the following words, actions for malpractice, so that said section as amended shall read as follows: **3. Personal Actions.** Actions of trespass to the person, actions for malpractice and actions for defamatory words may be brought within two years, and all other personal actions within six years, after the cause of action accrued, and not afterward.

2. Takes Effect. This act shall take effect upon its passage.

[Approved March 11, 1937.]

CHAPTER 22.

AN ACT RELATING TO ASSIGNMENT OF COUNSEL.

SECTION

1. Assignment of counsel.

SECTION

2. Takes effect.

Be it enacted by the Senate and House of Representatives in General Court convened:

1. Assignment of Counsel. Amend section 2, chapter 368 of the Public Laws by striking out in line one the words "indicted for" and inserting in place thereof the words, held

for the grand jury charged with the commission of; further amend by striking out in line two the word "five" and inserting in place thereof the word, three, so that said section as amended shall read as follows: **2. Other Cases.** Any person held for the grand jury charged with the commission of any other offense, the punishment whereof may be three years' imprisonment, shall be entitled to have counsel assigned to him by the court and to such process from the court to compel the attendance of witnesses as is usually granted on behalf of the state if the court shall be of the opinion that he is poor and unable to defray the expense of obtaining counsel and the attendance of witnesses, and that injustice may be done if provision is not made therefor at the public expense.

2. Takes Effect. This act shall take effect upon its passage.

[Approved March 11, 1937.]

CHAPTER 23.

AN ACT RELATIVE TO THE PRACTICE OF LAW BY UNAUTHORIZED PERSONS AND CORPORATIONS.

SECTION

1. Jurisdiction to restrain unauthorized practice of law.

SECTION

2. Takes effect.

Be it enacted by the Senate and House of Representatives in General Court convened:

1. Unauthorized Practice of Law. Amend chapter 325 of the Public Laws as amended by chapter 34 of the Laws of 1935 by adding thereto the following section: **12. Jurisdiction to Restrain Violations.** The supreme court and the superior court shall have concurrent jurisdiction in equity, upon petition of any bar association within the state, or of three or more members of the bar of the state, or of the attorney-general, to restrain violations of sections 10 or 11.

2. Takes Effect. This act shall take effect upon its passage.

[Approved March 11, 1937.]

CHAPTER 24.

AN ACT RELATING TO THE INCORPORATION OF INSURANCE COMPANIES.

SECTION

1. Insurance companies.
2. Amendments to charter or articles of incorporation.

SECTION

3. Takes effect.

Be it enacted by the Senate and House of Representatives in General Court convened:

1. Insurance Companies. Amend section 6 of chapter 272 of the Public Laws by striking out the whole thereof and inserting in place thereof the following: **6. Certification of Agreement.** The articles of agreement shall be submitted to the insurance commissioner who shall examine the same. If it appears that the provisions of the law preliminary to the establishment of the corporation have been complied with, the commissioner shall so certify by an endorsement upon said articles of agreement which shall thereupon be submitted to the attorney-general or assistant attorney-general for his approval and then recorded in accordance with the provisions of chapter 225, provided that copies of the original documents filed with the secretary of state shall also be filed with the insurance commissioner.

2. Amendments to Charter or Articles of Incorporation. Amend section 8 of said chapter 272 by striking out the whole thereof and inserting in place thereof the following: **8. Certification.** All proposed amendments, duly certified to by the president and secretary of such company, shall be submitted to the commissioner and to the attorney-general or assistant attorney-general for their examination and endorsement of approval in the same manner as provided by this chapter as to the original articles of agreement. Copies of all documents required by this section to be submitted to the commissioner shall be filed with him.

3. Takes Effect. This act shall take effect upon its passage.

[Approved March 11, 1937.]

CHAPTER 25.

AN ACT RELATING TO THE POSTING OF HIGHWAY REGULATIONS
FOR TRUNK LINES AND STATE-AIDED HIGHWAYS.

SECTION

1. Highway regulations.
2. Posting.

SECTION

3. Takes effect.

*Be it enacted by the Senate and House of Representatives in
General Court convened:*

1. Highway Regulations. Amend section 6 of chapter 91 of the Public Laws, as inserted by section 1, chapter 117, Laws of 1935, by inserting after the word "regulations" in the first line the words, relating to the control of traffic by such stop signs, devices or signals, so that said section as amended shall read as follows: **6. Posting.** Such rules and regulations relating to the control of traffic by such stop signs, devices or signals shall be posted on each trunk line and state-aided highway and in two public places in each city or town and a return of such posting shall be filed with the city or town clerk.

2. Amendment. Amend chapter 91 of the Public Laws by inserting after section 6, as inserted by section 1, chapter 117, Laws of 1935, and as amended in the preceding section, the following new section: **6-a. Other Rules and Regulations.** Such other rules and regulations, seasonal or otherwise, shall be posted on each trunk line and state-aided highway affected thereby.

3. Takes Effect. This act shall take effect upon its passage.

[Approved March 11, 1937.]

CHAPTER 26.

AN ACT RELATING TO THE LAND USE BOARD.

SECTION

1. Membership of land use board.

SECTION

2. Takes effect.

*Be it enacted by the Senate and House of Representatives in
General Court convened:*

1. Membership. Amend section 3 of chapter 74 of the Laws of 1935 by striking out said section and inserting in place thereof the following: **3. Land Use Board.** There is hereby established a land use board consisting of five members. The

members of the planning and development commission shall be the members of the land use board hereby constituted. The members of said land use board shall serve without compensation. Said board shall establish reasonable rules of procedure and shall keep written records.

2. Takes Effect. This act shall take effect upon its passage.

[Approved March 11, 1937.]

CHAPTER 27.

AN ACT RELATING TO REGULAR MEETINGS OF TOWN AND CITY PLANNING BOARDS.

SECTION

1. Meetings of planning board of
a town or village district.

SECTION

2. Takes effect.

*Be it enacted by the Senate and House of Representatives in
General Court convened:*

1. Planning Boards. Amend section 8 of chapter 55 of the Laws of 1935 by inserting after the word "board" in the fifth line the words, of a city, by inserting after the word "month" in the sixth line the words, and the planning board of a town or village district shall hold at least one regular meeting every three months, and by striking out the word "it" in the sixth line and inserting in place thereof the words, the planning board, so that said section as amended shall read as follows:

8. Organization; Meetings; Rules. The planning board shall elect its chairman from amongst the appointed members and create and fill such other offices as it may deem necessary for its work. The term of chairman shall be one year, with eligibility for re-election. The planning board of a city shall hold at least one regular meeting in each month and the planning board of a town or village district shall hold at least one regular meeting every three months. The planning board shall adopt rules for the transaction of business and shall keep a record of its resolutions, transactions, findings, and determinations, which record shall be a public record.

2. Takes Effect. This act shall take effect upon its passage.

[Approved March 11, 1937.]

CHAPTER 28.

AN ACT PROVIDING FOR THE PERAMBULATION OF THE MAINE AND
NEW HAMPSHIRE BOUNDARY LINE.

SECTION

1. Perambulation.
2. Notice.
3. Return.
4. Expense.

SECTION

5. Preservation of existing monuments.
6. Penalty.
7. Takes effect.

*Be it enacted by the Senate and House of Representatives in
General Court convened:*

1. Perambulation. The boundary line between the state of New Hampshire and the state of Maine as marked on land, shall be perambulated and the line marked and bounds renewed. The governor with the advice and consent of the council, shall appoint a surveyor from the highway department who shall, in conjunction with a duly authorized representative of the state of Maine, perambulate the boundary line from Bryant's Rock at East Pond to the Canadian line.

2. Notice. The governor with the advice and consent of the council shall authorize the highway commissioner to notify and make such arrangements with the proper authorities of the state of Maine as may be necessary to carry out the provisions of this act.

3. Return. A return of the perambulation shall be made, describing the marks and monuments of such line and particularly describing any change of location or resetting of any monument as authorized in this act, and such return shall be signed by the duly authorized representative of both states and a copy filed with the secretary of state.

4. Expense. A sum not to exceed one thousand dollars to cover all expenses incurred by representation of this state incidental to such perambulation shall be paid by the state including one half of the cost of renewing markers or monuments, and the governor is hereby authorized to draw his warrant therefor out of any money in the treasury not otherwise appropriated.

5. Preservation of Existing Monuments. No person shall wilfully or maliciously disturb or injure, or, except as herein provided, remove, obliterate, deface or cover up any monument or mark designating this boundary line of the state. Any persons desirous of removing and replacing any such monu-

ment or mark may apply in writing to the highway commissioner, who may grant permission therefor under his supervision, first making provision for preserving the exact location of the original boundary or mark, and also giving notice to the adjoining state of the time and place at which proposed action is to be taken. The monument shall be reset in the identical location from which it was removed, or at a convenient distance therefrom upon the boundary line. A full description of any change in such monument or mark, signed by the representative of both states, shall be recorded with the secretary of state.

6. Penalty. Any person violating the provisions of section 5 of this act, shall be fined not more than fifty dollars or imprisoned not more than six months, or both.

7. Takes Effect. This act shall take effect upon its passage, provided that no work shall be done or money expended until similar legislation has been enacted by the state of Maine.

[Approved March 11, 1937.]

CHAPTER 29.

AN ACT RELATING TO NAMING THAT PORTION OF THE STATE HIGHWAY BETWEEN ROCHESTER AND ALTON BAY.

SECTION

1. Henry Wilson highway named.

SECTION

2. Takes effect.

*Be it enacted by the Senate and House of Representatives in
General Court convened:*

1. Henry Wilson Highway. That portion of the state highway, on route 11, which connects the city of Rochester and Alton Bay shall be designated and known as the Henry Wilson highway, and the state highway commissioner is hereby authorized to place appropriate markers at suitable points along said highway.

2. Takes Effect. This act shall take effect upon its passage.

[Approved March 11, 1937.]

CHAPTER 30.

AN ACT RELATIVE TO CONTESTED ELECTIONS.

SECTION

1. Mileage allowance.

SECTION

2. Takes effect.

Be it enacted by the Senate and House of Representatives in General Court convened:

1. Mileage Allowance. Amend chapter 3 of the Public Laws by adding after section 6 the following new section:

7. Representatives. Any person who has received a certificate of election as representative and who has taken his seat as such representative but who is unsuccessful in retaining said seat because his election thereto is contested, shall be allowed and paid his mileage for the period of time during which he held his seat.

2. Takes Effect. This act shall take effect upon its passage.

[Approved March 11, 1937.]

CHAPTER 31.

AN ACT PROVIDING FOR INSTRUCTION IN PUBLIC SCHOOLS RELATING TO ELECTIONS AND VOTING.

SECTION

1. Distribution of copies of constitution and election laws.

SECTION

2. Takes effect.

Be it enacted by the Senate and House of Representatives in General Court convened:

1. Public Schools. Amend chapter 117 of the Public Laws by inserting after section 19 the following new sections: **19-a. State Constitution and Election Laws.** The secretary of state is hereby directed to furnish to the state board of education such number of copies of the state constitution and the election laws as may be necessary. **19-b. Distribution.** The state board of education is hereby directed to distribute copies of said constitution and election laws to all teachers of history and civics in the upper grades of elementary schools and to teachers of United States history in junior and senior high schools to be used by them in instructing their pupils relative to the laws governing elections and voting.

2. Takes Effect. This act shall take effect upon its passage.

[Approved March 11, 1937.]

CHAPTER 32.

AN ACT RELATING TO INSPECTION OF NURSERIES AND NURSERY STOCK.

SECTION

1. Nursery inspections.
2. Repeal.
3. Change in date.

SECTION

4. Repeal.
5. Takes effect.

Be it enacted by the Senate and House of Representatives in General Court convened:

1. Nursery Inspections. Amend chapter 183 of the Public Laws, by inserting after section 2 the following new section:
2-a. Suspension of Certification. The inspector may at any time suspend a certificate issued under the provisions of section 2 if dangerous insect or fungous pests are found upon the premises and shall not reinstate said certificate until such time as such pests have been suppressed or eradicated.

2. Repeal. Sections 4 and 7 of chapter 183 of the Public Laws, relating to an exemption from the provisions of said chapter are hereby repealed.

3. Change in Date. Amend section 8 of chapter 183 of the Public Laws by striking out the words "but in no case shall he issue a certificate which shall continue in force after July first next following the date of inspection," so that said section as amended shall read as follows: **8. Season for Inspection.** The state inspector shall determine the season for inspecting nurseries and the forms of certificates to be given.

4. Repeal. Section 10 of said chapter 183 relating to annual cost of inspection is hereby repealed.

5. Takes Effect. This act shall take effect upon its passage.

[Approved March 11, 1937.]

CHAPTER 33.

AN ACT RELATING TO STANDARDS FOR THE SALE OF COAL AND
COKE.

SECTION

1. Authority of commissioner of weights and measures to fix standards.

SECTION

2. Takes effect.

Be it enacted by the Senate and House of Representatives in General Court convened:

1. Authority of Commissioner of Weights and Measures.

Amend section 41 of chapter 162 of the Public Laws, as amended by section 1, chapter 49 of the Laws of 1929, by striking out the words "public service commission" in line one and inserting in place thereof the words, commissioner of weights and measures, and by striking out the word "commission" where it occurs in the seventh and tenth lines and inserting in place thereof the word commissioner, so that said section as amended shall read as follows: **41. Standards.** The commissioner of weights and measures shall fix reasonable standards with respect to the amount of bone, slate or other foreign substances which may be contained in anthracite coal or coke sold as standard coal or coke within this state. Such standards shall be set forth in an order or orders, and shall take effect at such time as shall be stated therein and remain in force until modified by the commissioner. In fixing such standards due regard shall be had for the custom of the trade as carried on by reputable dealers, and the orders of the commissioner shall be designed to protect the public from imposition.

2. Takes Effect. This act shall take effect upon its passage.

[Approved March 18, 1937.]

CHAPTER 34.

AN ACT TO PROHIBIT MOTOR VEHICLE RACING ON PUBLIC WAYS.

SECTION

1. Motor vehicle racing prohibited.

SECTION

2. Takes effect.

Be it enacted by the Senate and House of Representatives in General Court convened:

1. Motor Vehicle Racing Prohibited. Amend chapter 103 of the Public Laws by inserting after section 18 thereof as amended by chapter 76, Laws of 1927, the following new section: **18-a. Road Racing.** It shall be unlawful for any person to conduct or participate in any prearranged motor vehicle race on any public way in this state at any time. Whoever violates any of the provisions of this section shall be fined not more than two hundred dollars or imprisoned not more than six months or both such fine and imprisonment.

2. Takes Effect. This act shall take effect upon its passage.

[Approved March 18, 1937.]

CHAPTER 35.

AN ACT RELATING TO THE PROTECTION OF THE PUBLIC AGAINST THE SALE OF WORTHLESS SECURITIES.

SECTION

1. Certificates of warehousemen.
2. Licenses.
3. Corporations.
4. Annual financial statement.
5. Period of time for investigation.
6. Registration of dealers.

SECTION

7. Objection.
8. Limitation on authority of agents.
9. Information to be furnished
10. Qualification of securities.
11. Repeal.
12. Takes effect.

Be it enacted by the Senate and House of Representatives in General Court convened:

1. Certificates of Warehousemen. Amend section 2, chapter 284 of the Public Laws as amended by chapter 63, Laws of 1927, chapter 38, Laws of 1929, and chapter 101, Laws of 1933, by striking out the whole of said section and inserting in place thereof the following: **2. Securities.*** Securities shall include all classes of stocks and shares, bonds, debentures, evidences of indebtedness and certificates of participation,

* Amended, chapter 165, *post*.

certificates of warehousemen, rights and interests in land from which petroleum is, or is intended to be, produced, ship shares and investment contracts in the form of a bill of sale, or any similar device, and contracts of services or advice relating to investments, or membership in organizations or associations purporting to render such service or advice.

2. Licenses. Amend chapter 284 of the Public Laws by inserting after section 3 thereof the following section: **3-a. Conditions and Limitations.** The commissioner may issue such licenses subject to such conditions and limitations as he may deem to be in the public interest.

3. Corporations. Amend section 5, chapter 284 of the Public Laws by striking out the whole of said section and inserting in place thereof the following: **5. Status as Dealers in Securities.** Such corporation and its officers, agents and employees so licensed shall be regarded as dealers in securities under the provisions of this chapter. By December first of each year such licensees shall furnish to the commissioner upon a form to be furnished by him under the oath of such responsible officer of the corporation as the commissioner may require an annual financial statement for the period ending June thirtieth of each year exhibiting with reasonable detail assets, liabilities, profit and loss of the corporation for said period.

4. Information Required. Amend chapter 284 of the Public Laws by inserting after section 8 thereof the following section: **8-a. Annual Financial Statement.** The commissioner may examine or cause to be examined at the expense of the applicant or dealer the affairs and condition of a registered dealer in securities or an applicant who desires to become registered as such dealer. An applicant shall furnish in addition to the information required in the application such other documentary evidence of condition and responsibility as the commissioner may require, including without limiting the generality of the foregoing, authentic copies of articles of incorporation, partnership agreements, by-laws, balance sheets and earning statements. By December first of each year every licensed dealer in securities shall furnish under the oath of such responsible member or members of the dealer's organization as the commissioner may require an annual financial statement for the period ending June thirtieth of each year

exhibiting with reasonable detail, assets, liabilities, profit and loss of the dealer for a period of one year upon a form to be furnished by the commissioner.

5. Investigation. Amend section 11, chapter 284 of the Public Laws by striking out the whole of said section and inserting in place thereof the following: **11. Period of Time For.** The application filed with the commissioner for registration as a dealer shall be held for investigation for a period of four weeks from the date when the application reaches the commissioner.

6. Dealers. Amend section 12, chapter 284 of the Public Laws by striking out the whole of said section and inserting in place thereof the following: **12. Registration.** Upon being satisfied of the applicant's good repute, financial standing, reliability and right to public confidence, the commissioner may register the applicant as a dealer.

7. Amendment. Amend section 13, chapter 284 of the Public Laws by striking out the whole of said section and inserting in place thereof the following: **13. Objection.** Any person may object to the proposed registration within a period of four weeks during which an application shall be pending.

8. Authority of Agents. Amend chapter 284 of the Public Laws by inserting after section 24 thereof the following section: **24-a. Limitations.** No limitations on the authority of the agent of any dealer, not customary in the business, shall be effective to protect the dealer from liability to innocent third persons dealing with such agent.

9. Registrations. Amend section 25, chapter 284 of the Public Laws by striking out the whole of said section and inserting in place thereof the following: **25. Information to be Furnished.** The commissioner shall at any time on request, by mail or otherwise, inform any inquirer as to any individual, partnership, corporation or association which is registered either as dealer, agent or salesman.

10. Approval of Sale. Amend chapter 284 of the Public Laws by inserting after section 28 thereof the following section: **28-a. Qualification of Securities.** No registered dealer or his salesmen or agents shall sell or offer for sale securities, except those legal for investments for savings banks in this state, unless such sale has been approved by the commissioner. A dealer desiring to qualify such securities shall submit to the

commissioner such descriptive, statistical or documentary information as he may require. The commissioner shall within five days after such information is submitted approve or disapprove the sale of such securities and so notify the dealer. The commissioner may prescribe rules and regulations to carry out the purposes hereof.

11. Repeal. Section 28 of chapter 284 of the Public Laws relating to the limitation on prohibited sales of securities is hereby repealed.

12. Takes Effect. This act shall take effect upon its passage.

[Approved March 18, 1937.]

CHAPTER 36.

AN ACT RELATING TO HOURS OF LABOR FOR WOMEN AND MINORS.

SECTION

1. Hours of labor.
2. Exceptions.

SECTION

3. Takes effect.

Be it enacted by the Senate and House of Representatives in General Court convened:

1. Hours of Labor. Amend section 14, chapter 176, Public Laws by striking out the whole thereof and substituting therefor the following: **14. Females; Minors.** No female, or minor under eighteen years of age, shall be employed or permitted to work at manual or mechanical labor in any manufacturing establishment more than ten hours in any one day, or more than forty-eight hours in any one week. No female, or minor under eighteen years of age, shall be employed or be permitted to work at manual or mechanical labor in any other employment, except household labor and nursing, domestic, hotel, cabin* and boarding-house labor, operating in telegraph and telephone offices and farm labor, more than ten and one-quarter hours in any one day, or more than fifty-four hours in any one week.

2. Exceptions. Amend chapter 176 of the Public Laws by inserting after section 17 the following new section: **17-a. Special License.** Manufacturing establishments may be granted special license by the labor commissioner excepting them from the operation of the provisions of sections 14 and

* Amended, chapter 200, *post*.

15 hereof for not over eight weeks in any six-month period but in no case shall the hours of labor exceed ten and one-quarter hours in any one day or fifty-four hours in any one week. Before granting such license a hearing shall be held by the labor commissioner and he shall be satisfied that such overtime is necessary. Copy of such license shall be posted in a conspicuous place in every room where such females and minors are employed.

3. Takes Effect. This act shall take effect sixty days after its passage.

[Approved March 18, 1937.]

CHAPTER 37.

AN ACT RELATING TO LEGACY RECEIPTS.

SECTION

1. Probate receipts from minors
not under legal guardian-
ship.

SECTION

2. Repeal; takes effect.

Be it enacted by the Senate and House of Representatives in General Court convened:

1. Minors Not Under Legal Guardianship. Amend chapter 307 of the Public Laws by inserting after section 18, the following new section: **18-a. Probate Receipts.** Whenever any minor not being under legal guardianship shall be entitled to receive from any administrator or executor any distributive share as heir, or any legacy, the full amount of which share or legacy is less than two hundred dollars, said administrator, or executor, upon petition to and approval of the probate court shall pay said sum to the parents of said minor, if both are living, or to the surviving parent, if one parent is deceased, or to the parent, or other person, having custody of said minor, if the parents are divorced, and the receipt of said parents or parent or other person shall be filed and accepted by the probate court in discharge of the administrator's, or executor's liability therefor in the same manner and effect as though said parents or parent or other person had been legally appointed guardian by the probate court. Publication of notice upon the petition to the probate court shall not be required unless ordered by the court.

2. Repeal; Takes Effect. All acts and parts of acts inconsistent with this act are hereby repealed and this act shall take effect upon its passage.

[Approved March 25, 1937.]

CHAPTER 38.

AN ACT RELATING TO VACANCIES IN COUNTY OFFICES.

SECTION

1. Filling temporary vacancies in county offices.

SECTION

2. Takes effect.

Be it enacted by the Senate and House of Representatives in General Court convened:

1. County Offices. Amend chapter 36 of the Public Laws by inserting after section 8 the following new section: **8-a. Temporary Vacancies.** If any person holding either of such offices shall, by reason of illness, accident, absence from the state or other cause, become temporarily incapacitated and unable to perform the duties of his said office, the superior court may, upon application of the solicitor or a majority of the county commissioners, declare a temporary vacancy and fill the same, in the manner provided in section 9, for a limited period of time expressed in the appointment and may extend or shorten said period to meet the situation, and may award proper compensation to the appointee for services and expenses.

2. Takes Effect. This act shall take effect upon its passage.

[Approved March 25, 1937.]

CHAPTER 39.

AN ACT RELATIVE TO THE SALARY OF THE SPECIAL JUSTICE OF THE MUNICIPAL COURT OF NASHUA.

SECTION

1. Nashua municipal court.

SECTION

2. Takes effect.

Be it enacted by the Senate and House of Representatives in General Court convened:

1. Nashua Municipal Court. Amend section 4, chapter 323 of the Public Laws, as amended by chapter 116 of the Laws of

1929, chapter 19 of the Laws of 1931 and chapter 101 of the Laws of 1935, by striking out the words "six hundred" in the ninth line and inserting in place thereof the words eight hundred so that said section as amended shall read as follows:

4. Compensation of Special Justices. The special justice and justice of the peace requested to sit owing to the disqualification of the justice and special justice shall be paid, from the treasury of the city or town wherein said court is located, three dollars a day for each day or part thereof that he shall serve in said capacity; provided, that the annual salaries of the special justices of the municipal courts of the following cities and town shall be as follows, of Manchester eight hundred dollars, of Nashua eight hundred dollars, of Concord five hundred dollars, and of Hampton one hundred and fifty dollars, to be paid by said cities and town, respectively, quarterly, and shall be in lieu of any other compensation or fees to such justices.

2. Takes Effect. This act shall take effect upon its passage.

[Approved March 25, 1937.]

CHAPTER 40.

AN ACT RELATING TO THE DUTIES OF SELECTMEN IN WARNING TOWN MEETINGS.

SECTION

1. Insertion of articles in town warrant.

SECTION

2. Takes effect.

Be it enacted by the Senate and House of Representatives in General Court convened:

1. Town Warrant. Amend section 3 of chapter 45 of the Public Laws by striking out said section and inserting in place thereof the following: **3. Articles.** Upon the written application of ten or more voters or one sixth of the voters in town, presented to the selectmen or one of them at least sixteen days before the day prescribed for an annual or biennial meeting, the selectmen shall insert in their warrant for such meeting any subject specified in such application. Upon the written application of fifty or more voters or one fourth of the voters in town, so presented not less than sixty days before

the next annual meeting, the selectmen shall warn a special meeting to act upon any question specified in such application. The word "voters" in this section shall mean persons listed as such in the last previous revision of the check-list.

2. Takes Effect. This act shall take effect upon its passage.

[Approved March 30, 1937.]

CHAPTER 41.*

AN ACT RELATIVE TO SETTLEMENTS OF SUITS BROUGHT FOR MINORS.

SECTION

1. Approval of court required.

SECTION

2. Takes effect.

*Be it enacted by the Senate and House of Representatives in
General Court convened:*

1. Approval of Court Required. No settlement, the amount of which exceeds three hundred dollars, of any suit brought in behalf of an infant by next friend shall be valid unless approved by the court in which the action is pending, or to which the writ is returnable, or affirmed by an entry or judgment. The court may make all necessary orders for protecting the interests of the infant, and may require the guardian *ad litem*, or next friend, to give bond to truly account for all money received in behalf of the infant.

2. Takes Effect. This act shall take effect upon its passage.

[Approved March 30, 1937.]

* Amended, chapter 169, *post*.

CHAPTER 42.

AN ACT ESTABLISHING A COMMISSION FOR THE PROMOTION OF
THE WEALTH AND INCOME OF THE PEOPLE OF
NEW HAMPSHIRE.

SECTION

1. Organization.
2. Gifts.
3. Duties.
4. Authority to collect data.

SECTION

5. Limitations.
6. Term of office.
7. Takes effect.

*Be it enacted by the Senate and House of Representatives in
General Court convened:*

1. Organization. For the purposes hereinafter set forth there shall be a commission for the promotion of the wealth and income of the people of New Hampshire, consisting of the governor *ex officio* and four others to be appointed by the governor. The governor shall act as chairman and all appointive members shall serve without compensation or allowance for expenses.

2. Gifts. The commission is hereby empowered to accept gifts to carry out the duties hereinafter set forth and to appoint such assistants and agents as it may deem necessary and to fix their compensations.

3. Duties. The duties of the commission shall be to prepare in tabular form, with such comments as may seem to it desirable, a complete bookkeeping picture of the state and its people considered as a single economic unit, with whatever data on wealth, income, employment, and personnel may be necessary for better understanding of the exhibition of accounts. When completed, said report shall be filed in the office of the secretary of state for the use of the executive department and for such distribution as the governor may order.

4. Authority to Collect Data. The commission is hereby given all the necessary power and authority to secure such data from departments and institutions of the state and local governments, persons, partnerships, associations and corporations, as may be germane to the purposes hereof, provided, however, that the information furnished hereunder shall be used solely for the statistical purposes for which it is supplied and that no publication shall be made by the commission or any of its employees, whereby any reporting establishment or person can be identified. The commission shall permit no one,

other than its sworn employees, to examine the reports made to it nor shall such reports be subject to inspection by any court or to any process issued therefrom or by any person whomsoever. Subject to the above limitations, the commission shall have the power in the name of the state to request from all departments and divisions of the government of the United States whatever facts are in its possession germane to this inquiry.

5. Limitations. The commission shall have no power to incur debts nor contract any liabilities in the name of the state.

6. Term of Office. Upon completion and filing of the report required by section 3 hereof, the authority of the commission shall terminate.

7. Takes Effect. This act shall take effect upon its passage.

[Approved March 30, 1937.]

CHAPTER 43.

AN ACT ESTABLISHING COMMISSIONER DISTRICTS IN THE COUNTY OF SULLIVAN.

SECTION

1. Commissioner districts for Sullivan county established.

Be it enacted by the Senate and House of Representatives in General Court convened:

1. Districts Established. Amend chapter 36 of the Public Laws as amended by chapter 142 of the Laws of 1929 and chapter 134 of the Laws of 1931, by adding the following new sections: **19. County Commissioner Districts.** For the purpose of the nomination and election of the county commissioners in Sullivan county said county shall be divided into three districts as follows: District 1, the town of Claremont; district 2, the town of Newport; and district 3, the towns of Acworth, Charlestown, Cornish, Croydon, Goshen, Grantham, Langdon, Lempster, Plainfield, Springfield, Sunapee, Unity and Washington. **20. Eligibility.** No person shall be eligible to be a candidate for county commissioner except from the district in which he is a resident. **21. Voting and Election.** The inhabitants of said county may vote for not more than one candidate from each district, and the candidate receiving

the highest number of votes in any one district shall be elected county commissioner from that district.*

[Approved April 7, 1937.]

CHAPTER 44.

AN ACT REGARDING THE COMPENSATION OF COUNTY COMMISSIONERS.

SECTION

1. Cheshire county commissioners.

SECTION

2. Takes effect.

Be it enacted by the Senate and House of Representatives in General Court convened:

1. Cheshire County Commissioners. Amend section 28 of chapter 38 of the Public Laws, as amended by chapter 111 of the Laws of 1927, and chapter 153 of the Laws of 1931 and chapter 186 of the Laws of 1933 and chapter 154 of the Laws of 1935, by striking out the words "seven hundred" after the word "Cheshire," and inserting in place thereof the words one thousand, so that the said section as amended shall read as follows: **28. Salaries.** The annual salary for each commissioner of the following counties shall be as follows, payable monthly by the county:

In Rockingham, ten hundred dollars;

In Strafford, twelve hundred dollars;

In Belknap, nine hundred dollars;

In Merrimack, ten hundred dollars;

In Hillsborough, twenty-one hundred dollars;

In Cheshire, one thousand dollars;

In Sullivan, nine hundred dollars;

In Grafton, ten hundred dollars;

In Carroll and Coos counties each commissioner, when employed in the business of the county and in inspecting the taxable property of the towns as provided in section 26, shall receive five dollars a day, payable as hereinbefore provided. To the foregoing sums shall be added, in all the counties except Strafford, a reasonable sum for all necessary expenses, upon order of the county auditors.

2. Takes Effect. This act shall take effect upon its passage.

[Approved April 7, 1937.]

* Amended, chapter 83, *post*.

CHAPTER 45.

AN ACT RELATING TO THE SALE OF APPLES AT RETAIL OR WHOLE-SALE, DEFINING TERMS AND REQUIRING PROPER GRADES AS MARKED.

SECTION

1. New chapter :

1. Grades.
2. Prohibition.
3. Tolerance.
4. Rules and regulations.
5. Hearings.
6. Penalty.
7. Interpretation.

SECTION

2. Takes effect.

Be it enacted by the Senate and House of Representatives in General Court convened:

1. Sale of Apples. Amend the Public Laws by inserting after chapter 165, as inserted by chapter 19 of the Laws of 1927 and as amended by chapter 23 of the Laws of 1931, and chapter 85 of the Laws of 1933, the following new chapter:

CHAPTER 165-A**SALE OF APPLES IN OTHER THAN CLOSED PACKAGES**

1. Grades. The terms to be used in selling, offering, exposing for sale or advertising apples for sale or exchange or distribution in any manner except when packed in closed packages shall be as follows:

I. "Extra Fancy" shall mean apples conforming to the standards for extra fancy grade as defined in section 3 of chapter 165 of the Public Laws as amended by section 2 of chapter 23 of the Laws of 1931.

II. "Fancy" shall mean apples conforming to the standards for fancy grade as defined in section 3 of chapter 165 of the Public Laws as amended by section 2 of chapter 23 of the Laws of 1931.

III. "Utility" shall mean apples conforming to the standards for B Grade as defined in section 3 of chapter 165 of the Public Laws as amended by section 2 of chapter 23 of the Laws of 1931.

IV. "Choice" shall mean apples not less than twenty-five per cent of which conform to the standards for Fancy grade and the remainder to the standards for B Grade as defined in

section 3 of chapter 165 of the Public Laws as amended by section 2 of chapter 23 of the Laws of 1931.

V. "Cooking" shall mean any apples not coming within the standards hereinbefore defined.

2. Prohibition. No person selling, offering, exposing or advertising apples for sale or exchange or distribution in any manner except a closed package shall use terms describing the quality of the fruit except those terms listed and defined in section 1. Such apples must conform to the respective standards for those terms as herein defined, and when the variety of such apples is designated all apples so designated shall be of the variety named. The commissioner of agriculture may, from time to time, specify what grades set by other states or by the federal government correspond to Extra Fancy, Fancy, Utility, Choice and Cooking grades as used herein.

3. Tolerance. In order to allow for variations incident to commercial grading and handling not more than ten per cent, by weight, of the apples in any lot may be below the requirements of the grade with which the lot is marked.

4. Rules and Regulations. The commissioner of agriculture shall have general authority to administer this act and shall make and may modify uniform rules and regulations for carrying out the provisions of this act. Said commissioner is hereby authorized to appoint agents to assist him and to fix their salaries. He shall in person or by his deputy or agent have free access, ingress and egress at all reasonable hours to any place, building, or vehicle in which apples are sold, offered or exposed for sale, or exchanged or distributed at retail or wholesale. He shall also have power in person or by his deputy or agent to inspect any package or container and may upon tendering the market price take such container and its contents or sample therefrom.

5. Hearings. When the commissioner of agriculture becomes cognizant of any violation of any of the provisions of this act, he shall cause notice of such violation, together with the copy of his findings to be given the person or persons concerned. Persons so notified shall be given a hearing under rules and regulations provided by the commissioner. Notice of such hearing shall declare the date, hour and place of hearing.

6. Penalty. Any person violating any of the provisions of

this act shall be fined not more than twenty-five dollars for the first offense and for each subsequent offense not more than one hundred dollars. All fines shall be paid to the commissioner of agriculture by the justice or court imposing same within ten days after their receipt and shall be used for the enforcement of the act.

7. Interpretation. Nothing in this act shall be construed as interfering with the powers of the state board of health or with statutes relating to public health and sanitary inspection, production and distribution of food, whether under chapter 136, 137, 138 and 139 of the Public Laws and amendments thereto or otherwise.

2. Takes Effect. This act shall take effect July 1, 1937.

[Approved April 7, 1937.]

CHAPTER 46.

AN ACT RELATING TO THE REQUIREMENTS FOR THE PRACTICE OF CHIROPODY.

SECTION

1. Requirements for practice of chiropody.

SECTION

2. Takes effect.

Be it enacted by the Senate and House of Representatives in General Court convened:

1. Practice of Chiropody. Amend section 1 of chapter 208 of the Public Laws, as amended by chapter 58, Laws of 1933, by inserting after the word "chiropody" in the eleventh line the words, having a minimum course of three thousand one hundred and twenty hours in three different calendar years, so that said section as amended shall read as follows: **1. Requirements.** Any person admitted to practice chiropody in this state shall have an intelligent comprehension of such rudiments of anatomy and surgery, including the medical use of antiseptic and disinfecting agencies as the state board of examiners of chiropody may prescribe as necessary, and shall be required to pass an examination before said board; shall be at least twenty-one years of age, with not less than a high school education, of good moral character and shall have received a diploma or certificate of graduation from a legally incorporated, regularly established and recognized college of chiropody

having a minimum course of three thousand one hundred and twenty hours in three different calendar years. No person who is not a licensed chiropodist as provided by section 8 of this chapter shall practice or attempt to practice chiropody in the state or designate or describe his or her occupation by the use of any words or letters calculated to lead others to believe that he or she is a licensed chiropodist.

2. Takes Effect. This act shall take effect upon its passage.

[Approved April 7, 1937.]

CHAPTER 47.

AN ACT RELATING TO TRANSPORTATION OF HIGH-SCHOOL PUPILS.

SECTION

1. Transportation of pupils under
fourteen years of age.

SECTION

2. Takes effect.

*Be it enacted by the Senate and House of Representatives in
General Court convened:*

1. Transportation. Amend chapter 117 of the Public Laws by inserting after section 6 the following new section: **6-a. Pupils Under Fourteen Years of Age.** The district shall furnish transportation as provided in section 6 to all pupils under the age of fourteen years in grades above the eighth and in districts not maintaining a high school, in which the school board has neglected or refused to furnish further instruction in the schools of the district as provided in section 28 of chapter 119 of the Public Laws, the district shall furnish to such pupils reasonable transportation to an approved high school.

2. Takes Effect. This act shall take effect upon its passage.

[Approved April 7, 1937.]

CHAPTER 48.

AN ACT PROVIDING FOR SERVING OF LEGAL PROCESS ON NON-RESIDENTS.

SECTION

1. Service of process in actions
against non-residents.

SECTION

2. Takes effect.

*Be it enacted by the Senate and House of Representatives in
General Court convened:*

1. Service of Process in Actions Against Non-resident Operators. Amend section 32, chapter 100, Public Laws, as amended by chapter 104 of the Laws of 1933, by inserting after the words "on such a way" the words or elsewhere within the state, so that as amended said section shall read:
32. Commissioner Their Attorney. The acceptance by a non-resident, or by a resident, of the rights and privileges conferred by this chapter, as evidenced by his, or by his servants or agents, operating a motor vehicle thereunder, or the operation by a non-resident, or by a resident, or by his servants or agents, of a motor vehicle on a public way in the state other than under the provisions thereof, shall be deemed equivalent to an appointment of the commissioner, or his successor in office, by such non-resident, or by a person who has removed from the state, after he or his servants or agents have been involved in any accident or collision, as hereafter described, to be his true and lawful attorney upon whom may be served all lawful processes in any action or proceeding against him, growing out of any accident or collision in which he, or his servants or agents, may be involved while operating a motor vehicle on such a way or elsewhere within the state, and said acceptance or operation shall be a signification of his agreement that any such process against him which is so served shall be of the same legal force and validity against him as if served on him personally.

2. Takes Effect. This act shall take effect upon, its passage.

[Approved April 7, 1937.]

CHAPTER 49.

AN ACT RELATING TO CRIMINAL APPEALS.

SECTION

1. Time limitation.
2. Failure to prosecute.

SECTION

3. Records on appeal.
4. Takes effect.

Be it enacted by the Senate and House of Representatives in General Court convened:

1. Time Limitation. Amend section 2 of chapter 366 of the Public Laws as amended by section 1 of chapter 10 of the Laws of 1927, by striking out the words "at the term next to be holden in the county" in the first sentence thereof and substituting therefor the words, and said appeal shall be entered by the appellant within thirty days of the taking of said appeal unless for good cause shown the time is extended by the superior court, so that as amended said section shall read:

2. Appeals. A person sentenced for an offense, by a municipal court or justice of the peace, may, at the time such sentence is declared, appeal therefrom to the superior court, and said appeal shall be entered by the appellant within thirty days of the taking of said appeal unless for good cause shown the time is extended by the superior court. The fees for copies sent to the superior court shall be taxed in the bill of costs. In all criminal cases which are appealed from a justice or a municipal court, or in which defendants are bound over by a justice or a municipal court, it shall be the duty of the clerk of the superior court to transmit to the justice or the municipal court, within ten days after such case is finally disposed of in the superior court, a certificate showing the final disposition of such case.

2. Failure to Prosecute. Amend section 4 of chapter 366 of the Public Laws as amended by section 2 of chapter 10 of the Laws of 1927 by inserting after the word "enter" the words, his appeal within the time limited, so that as amended said section shall read: **4. Failure to Prosecute.** If the appellant fails to enter his appeal within the time limited and prosecute his appeal a record thereof shall be made, his recognizance shall be declared forfeited, and, within ten days, the clerk of court shall transmit to the justice or municipal court appealed from a certificate of such forfeiture.

3. Records on Appeal. Amend section 22 of chapter 366

of the Public Laws by striking out the words "on or before the first day of the next term thereof" and substituting therefor the words, within ten days after the date of such order for recognizance, so that as amended said section shall read:
22. —, on Appeal. In case of appeal the municipal court or justice shall cause true and attested copies of the process, records and recognizances in the case to be filed with the clerk of the superior court within ten days after the date of such order for recognizance.

4. Takes Effect. This act shall take effect upon its passage.

[Approved April 7, 1937.]

CHAPTER 50.

AN ACT DESIGNATING THE ROAD FROM EPPING TO BARRINGTON AS CALEF ROAD.

SECTION

1. Calef road named.

SECTION

2. Takes effect.

*Be it enacted by the Senate and House of Representatives in
General Court convened:*

1. Calef Road Named. The highway running from Epping Village to the junction with the Franklin Pierce highway near Barrington Depot, designated as a state-aid highway by chapter 138 of the Laws of 1933, shall hereafter be known as Calef road and the highway commissioner is hereby authorized to mark the same with suitable inscriptions.

2. Takes Effect. This act shall take effect upon its passage.

[Approved April 8, 1937.]

CHAPTER 51.

AN ACT RELATING TO NIGHT FISHING IN THE ANDROSCOGGIN RIVER.

SECTION

1. Androscoggin river, night fishing prohibited.

SECTION

2. Takes effect.

Be it enacted by the Senate and House of Representatives in General Court convened:

1. Androscoggin River. Amend section 8, chapter 155 of the Laws of 1935 by striking out the whole of said section and inserting in place thereof the following: **8. Closed to Night Fishing.** No person shall fish in the Androscoggin river from the head of Pontook Flowage at the foot of Mile and One-Half Falls, so called, in the town of Dummer, to the foot of Errol dam during the period from two hours after sunset to one hour before sunrise.

2. Takes Effect. This act shall take effect upon its passage.

[Approved April 13, 1937.]

CHAPTER 52.

AN ACT RELATING TO FUR-BEARING ANIMALS.

SECTION

1. Taking fur-bearing animals.

SECTION

2. Takes effect.

Be it enacted by the Senate and House of Representatives in General Court convened:

1. Certain Fur-bearing Animals. Amend section 1 of chapter 200 of the Public Laws as amended by section 4, chapter 124 of the Laws of 1935, by striking out in line 2 all after the word "from" and inserting in place thereof the following, October twentieth to February first in the counties of Coos and Grafton and from November first to February first in all other counties, so that said section as amended shall read as follows: **1. Taking.** Otter, mink, skunk or muskrat may be taken and possessed from October twentieth to February first in the counties of Coos and Grafton and from November first to February first in all other counties.

2. Takes Effect. This act shall take effect upon its passage.

[Approved April 13, 1937.]

CHAPTER 53.

AN ACT RELATING TO UNPAID TAXES ON PERSONAL PROPERTY CONVEYED BY COMMON LAW ASSIGNMENT.

SECTION

1. Unpaid taxes.

SECTION

2. Takes effect.

*Be it enacted by the Senate and House of Representatives in
General Court convened:*

1. Unpaid Taxes. No common law assignment of personal property for the benefit of creditors made to an assignee, trustee or other fiduciary, whether recorded in accordance with the provisions of chapter 9 of the Laws of 1933 or not, shall be valid to transfer the title of the assignor therein as against any unpaid taxes assessed thereon to the assignee prior to the date of said assignment. Any such unpaid taxes shall be a preferred claim as against other creditors.

2. Takes Effect. This act shall take effect upon its passage.

[Approved April 13, 1937.]

CHAPTER 54.

AN ACT TO MAKE UNIFORM THE LAW ON FRESH PURSUIT AND AUTHORIZING THIS STATE TO CO-OPERATE WITH OTHER STATES THEREIN.

SECTION

1. Authority granted to make arrest.
2. Court hearing.
3. Limitation.
4. Definition.
5. What constitutes fresh pursuit.

SECTION

6. Certified copies to be forwarded.
7. Separability clause.
8. Title.
9. Takes effect.

*Be it enacted by the Senate and House of Representatives in
General Court convened:*

1. Authority Granted to Make Arrest. Any member of a duly organized state, county or municipal peace unit of another

state of the United States who enters this state in fresh pursuit, and continues within this state in such fresh pursuit, of a person in order to arrest him on the ground that he is believed to have committed a felony in such other state, shall have the same authority to arrest and hold such person in custody, as has any member of any duly organized state, county or municipal peace unit of this state, to arrest and hold in custody a person on the ground that he is believed to have committed a felony in this state.

2. Court Hearing. If an arrest is made in this state by an officer of another state in accordance with the provisions of section 1 of this act he shall without unnecessary delay take the person arrested before any justice of the superior court or of the municipal court of any city who shall conduct a hearing for the purpose of determining the lawfulness of the arrest. If said justice determines that the arrest was lawful he shall commit the person arrested to await for a reasonable time the issuance of an extradition warrant by the governor of this state, or admit such person to bail pending the issuance of such warrant. If the said justice determines that the arrest was unlawful he shall discharge the person arrested.

3. Limitation. Section 1 of this act shall not be construed so as to make unlawful any arrest in this state which would otherwise be lawful.

4. Definition. For the purpose of this act the word "state" shall include the District of Columbia.

5. What Constitutes Fresh Pursuit. The term "fresh pursuit" as used in this act shall include fresh pursuit as defined by the common law, and also the pursuit of a person who has committed a felony or who is reasonably suspected of having committed a felony. It shall also include the pursuit of a person suspected of having committed a supposed felony, though no felony has actually been committed, if there is reasonable ground for believing that a felony has been committed. Fresh pursuit as used herein shall not necessarily imply instant pursuit, but pursuit without unreasonable delay.

6. Certified Copies to be Forwarded. Upon the passage of this act it shall be the duty of the secretary of state to certify a copy of this act to the executive department of each of the states of the United States.

7. Separability Clause. If any part of this act is for any

reason declared void, it is declared to be the intent of this act that such invalidity shall not affect the validity of the remaining portions of this act.

8. **Title.** This act may be cited as the Uniform Act on Fresh Pursuit.

9. **Takes Effect.** This act shall take effect upon its passage.

[Approved April 13, 1937.]

CHAPTER 55.

AN ACT RELATING TO THE SALE OF MEAT, FISH, AND FOWL.

SECTION

1. Net weight.

SECTION

2. Takes effect.

Be it enacted by the Senate and House of Representatives in General Court convened:

1. **Net Weight.** Amend chapter 161 of the Public Laws by adding after section 40 the following new section: **40-a. Sale of Meat, Fish, and Fowl.** All dressed meat, fresh and salt, meat products, fish and dressed fowl shall be sold or offered for sale by weight, provided, that the provisions of this section shall not apply to the sale of these articles where both buyer and seller in writing agree to other methods of sale.

2. **Takes Effect.** This act shall take effect thirty days after its passage.

[Approved April 13, 1937.]

CHAPTER 56.

AN ACT RELATING TO TAKING AUREOLUS TROUT.

SECTION

1. Taking aureolus trout.

SECTION

2. Takes effect.

Be it enacted by the Senate and House of Representatives in General Court convened:

1. **Taking Aureolus Trout.** Amend section 4 of chapter 201 of the Public Laws, as inserted by section 5, chapter 124, Laws of 1935, by striking out the word "ten" in the second line and inserting in place thereof the word, twelve, so that said section as amended shall read as follows: **4. Aureolus; Limit.**

Aureolus, or golden trout, not less than twelve inches in length, may be taken and possessed from April fifteenth to September first. A person may take not more than four Aureolus in one day.

2. Takes Effect. This act shall take effect upon its passage.

[Approved April 13, 1937.]

CHAPTER 57.

AN ACT RELATING TO DEFINITION OF PACKAGE IN THE LAWS RELATING TO WEIGHTS AND MEASURES.

SECTION

1. Definition of package.

SECTION

2. Takes effect.

*Be it enacted by the Senate and House of Representatives in
General Court convened:*

1. Package. Amend chapter 161 of the Public Laws by adding after section 29 the following new section: **29-a. Definition.** When used in laws relative to weights and measures the word "package" shall mean any commodity in a box, basket, barrel, bottle, bag, bale, crate, carton, case, can, cask, crock, drum, demijohn, firkin, hamper, hogshead, half-barrel, jar, jug, keg, lug, phial, pail, sack, tube, tub, tank, vessel or any other receptacle or container of whatsoever material or nature which can be used for enclosing any commodity or in coverings or wrappings of any kind making one complete package of the commodity, provided, however, the definition herein shall not apply to the sale of articles by the retailer from bulk and by him put up at the time of actual delivery to his customers.

2. Takes Effect. This act shall take effect upon its passage.

[Approved April 13, 1937.]

CHAPTER 58.

AN ACT RELATING TO MATERNAL AND CHILD HEALTH AND TO
CRIPPLED CHILDREN

SECTION

1. Maternal and child-health services.
2. Services authorized.

SECTION

3. Takes effect.

Be it enacted by the Senate and House of Representatives in General Court convened:

1. State Board of Health. Amend section 11 of chapter 128 of the Public Laws by striking out the whole of said section and inserting in place thereof the following: **11. Maternal and Child-Health Services.** The board may administer a program of maternal and child-health services, and shall supervise the administration of those services included in the program which are not administered directly by it. The purpose of such program shall be to provide, develop, extend, and improve state and local maternal and child-health services, including local maternal and child-health services administered by local units, to provide for co-operation with medical, nursing, and welfare groups and organizations, and to provide for the development of demonstration services in needy areas and among groups in special need. Nothing in this section, however, or in sections 12, 13 or 14 of this chapter, shall in any way affect the operation of the provisions of chapter 116 of the Public Laws, or of chapter 123 of the Public Laws, or of any other provision of the Public Laws providing maternal or child-health services.

2. Services Authorized. Amend said chapter 128 by inserting after section 11 as hereinbefore amended the following new sections:

12. Crippled Children. The state board of health may administer, and is hereby designated as the agency of the state to administer, a program of services for children who are crippled or who are suffering from conditions which lead to crippling, and shall supervise the administration of those services included in the program which are not administered directly by it. The purpose of such program shall be to develop, extend, and improve services for locating such children, and for providing for medical, surgical, corrective, and other

services and care, and for facilities for diagnosis, hospitalization, and after care.

13. Authorization. The board is hereby authorized:

I. To formulate and administer a detailed plan or plans for the purposes specified in sections 11 and 12, and to make such rules and regulations as may be necessary or desirable for the administration of such plans and provisions of this act;

II. To receive and expend in accordance with such plans all funds made available to the board by the federal government, the state or its political subdivisions, or from other sources, for such purposes;

III. To co-operate with the federal government, through its appropriate agency or instrumentality, and with other state and local agencies and organizations, in developing, extending, and improving the services specified in sections 11 and 12, and in the administration of such plans.

14. Limitations. Nothing in this chapter shall be construed as authorizing any public official, agent or representative, in carrying out any provision of this chapter, to take charge of any child over the objection of either the father or the mother of such child, or of the person standing *in loco parentis* to such child, except pursuant to a proper court order.

15. Penalty. Any person violating the provisions of this chapter, or any rule, regulation or ordinance of said board made under the authority of this chapter, shall be guilty of a misdemeanor.

3. Takes Effect. This act shall take effect upon its passage.

[Approved April 13, 1937.]

CHAPTER 59.

AN ACT ACCEPTING THE PROVISIONS OF THE ACT OF CONGRESS RELATIVE TO THE FURTHER DEVELOPMENT OF CO- OPERATIVE AGRICULTURAL EXTENSION WORK.

SECTION

1. Acceptance of federal act.

SECTION

2. Takes effect.

WHEREAS, the Congress of the United States has passed an act, approved June 29, 1935, (Public No. 182, 74th Congress) entitled An act to provide for research into basic laws and prin-

ciples relating to agriculture and to provide for the further development of co-operative agricultural extension work and the more complete endowment and support of land-grant colleges, and

WHEREAS, the provisions of said act and the grants of money authorized by said act are made subject to the legislative assent of the several states and territories, now therefore,

Be it enacted by the Senate and House of Representatives in General Court convened:

1. Acceptance. The assent of the legislature of the state of New Hampshire is hereby given to the provisions and requirements of the act hereinbefore mentioned and the trustees of the New Hampshire College of Agriculture and the Mechanic Arts are hereby authorized and empowered to receive the grants of money appropriated under said act in accordance with the terms and conditions expressed in said act.

2. Takes Effect. This act shall take effect upon its passage.

[Approved April 13, 1937.]

CHAPTER 60.

AN ACT CHANGING THE NAME OF A CERTAIN POND IN THE TOWN OF GILMANTON.

SECTION

1. Name changed.

SECTION

2. Takes effect.

Be it enacted by the Senate and House of Representatives in General Court convened:

1. Name Changed. The name of Guinea Pond in the town of Gilmanton is hereby changed to Manning Lake.

2. Takes Effect. This act shall take effect upon its passage.

[Approved April 13, 1937.]

CHAPTER 61.

AN ACT RELATIVE TO ACCEPTANCE OF CERTAIN FEDERAL AID
ROAD ACTS.

SECTION

1. Acceptance of federal aid road
acts.

SECTION

2. Highways; federal aid.
3. Takes effect.

*Be it enacted by the Senate and House of Representatives in
General Court convened:*

1. Federal Aid Road Acts. Amend section 1 of chapter 88 of the Public Laws by inserting after the word “purposes” in the fourth line the words, and all acts amendatory thereof and supplementary thereto, and by striking out the word “act” in the seventh line and inserting in place thereof the word, acts, so that said section as amended shall read as follows:

1. Provisions Accepted. The provisions of the act provided for in Senate Document 548, Public Law No. 156, 64th Congress (H. R. 7617), an act to provide that the United States shall aid the states in the construction of rural post roads and for other purposes, and all acts amendatory thereof and supplementary thereto, are assented to, and the state highway department through its commissioner is authorized to make the necessary surveys and estimates to carry out the provisions of said acts.

2. Highways; Federal Aid. Amend chapter 88 of the Public Laws by adding at the end of said chapter the following new section: **5. Maintenance.** Where, under the provisions of said amendatory and supplementary acts improvements are made involving federal funds within the limits of compact sections of cities and towns of over twenty-five hundred inhabitants or upon local roads not regularly maintained by the state, the roads so improved shall thereafter be maintained by said city, town or place to the satisfaction of the highway commissioner. In case any city, town or place shall neglect to make the necessary repairs such repairs shall be made under the direction of the highway commissioner at the expense of the state and the cost thereof shall be added to the state tax of such city, town or place for the next year.

3. Takes Effect. This act shall take effect upon its passage.

[Approved April 13, 1937.]

CHAPTER 62.

AN ACT IN RELATION TO TAX COLLECTORS.

SECTION	SECTION
1. Temporary incapacity of tax collector.	2. Takes effect.

Be it enacted by the Senate and House of Representatives in General Court convened:

1. Tax Collector. Amend chapter 47 of the Public Laws by inserting after section 32 the following new section: **32-a. Temporary Incapacity.** If a collector of taxes is temporarily incapacitated before completing the collection of the taxes committed to him or if any necessity may arise for such action the selectmen may appoint some suitable person as deputy collector to collect such taxes, during such incapacity or for such term as necessity may require, and issue a warrant to him for that purpose. Said deputy shall give bond, possess the powers, perform the duties and be paid as other collectors. The selectmen shall determine the term of office of said deputy and upon the expiration of said term, if the collection of the taxes has not been completed the selectmen shall issue to the collector a warrant for that purpose.

2. Takes Effect. This act shall take effect upon its passage.

[Approved April 13, 1937.]

CHAPTER 63.

AN ACT RELATING TO LEGAL HOLIDAYS.

SECTION	SECTION
1. New Hampshire Day.	2. Takes effect.

Be it enacted by the Senate and House of Representatives in General Court convened:

1. New Hampshire Day. The twenty-first day of June being the anniversary of the ratification of the federal constitution by the state, is hereby made a legal holiday for the year 1938.

2. Takes Effect. This act shall take effect upon its passage.

[Approved April 13, 1937.]

CHAPTER 64.

AN ACT PROVIDING THAT THE STATE OF NEW HAMPSHIRE MAY
ENTER INTO A COMPACT WITH ANY OF THE UNITED
STATES FOR MUTUAL HELPFULNESS IN RELATION
TO PERSONS CONVICTED OF CRIME OR OFFENSES
WHO MAY BE ON PROBATION OR PAROLE.

SECTION

1. Execution of compact author-
ized.
2. Separability clause.

SECTION

3. Takes effect.
4. Title.

*Be it enacted by the Senate and House of Representatives in
General Court convened:*

1. Execution of Compact Authorized. The governor of this state is hereby authorized and directed to execute a compact on behalf of the state of New Hampshire with any of the United States legally joining therein in the form substantially as follows:

A Compact entered into by and among the contracting states, signatories hereto, with the consent of the Congress of the United States of America, granted by an act entitled "An Act Granting the Consent of Congress to any two or more States to enter into Agreements or Compacts for Co-operative Effort and Mutual Assistance in the Prevention of Crime and for other purposes."

The contracting states solemnly agree:

I. That it shall be competent for the duly constituted judicial and administrative authorities of a state party to this compact, herein called "sending state," to permit any person convicted of an offense within such state and placed on probation or released on parole to reside in any other state party to this compact, herein called "receiving state," while on probation or parole, if (a) Such person is in fact a resident of or has his family residing within the receiving state and can obtain employment there; (b) Though not a resident of the receiving state and not having his family residing there, the receiving state consents to such person being sent there. Before granting such permission, opportunity shall be granted to the receiving state to investigate the home and prospective employment of such person. A resident of the receiving state, within the meaning of this section, is one who has been an actual inhabitant of such state continuously for more than one

year prior to his coming to the sending state and has not resided within the sending state more than six continuous months immediately preceding the commission of the offense for which he has been convicted.

II. That each receiving state will assume the duties of visitation of and supervision over probationers or parolees of any sending state and in the exercise of those duties will be governed by the same standards that prevail for its own probationers and parolees.

III. That duly accredited officers of a sending state may at all times enter a receiving state and there apprehend and retake any person on probation or parole. For that purpose no formalities will be required other than establishing the authority of the officer and the identity of the person to be retaken. All legal requirements to obtain extradition of fugitives from justice are hereby expressly waived on the part of states party hereto, as to such persons. The decision of the sending state to retake a person on probation or parole shall be conclusive upon and not reviewable within the receiving state; provided, however, that if at the time when a state seeks to retake a probationer or parolee there should be pending against him within the receiving state any criminal charge, or he should be suspected of having committed within such state a criminal offense, he shall not be retaken without the consent of the receiving state until discharged from prosecution or from imprisonment for such offense.

IV. That the duly accredited officers of the sending state will be permitted to transport prisoners being retaken through any and all states parties to this compact, without interference.

V. That the governor of each state may designate an officer who, acting jointly with like officers of other contracting states, if and when appointed, shall promulgate such rules and regulations as may be deemed necessary to more effectively carry out the terms of this compact.

VI. That this compact shall become operative immediately upon its execution by any state as between it and any other state or states so executing. When executed it shall have the full force and effect of law within such state, the form of execution to be in accordance with the laws of the executing state.

VII. That this compact shall continue in force and remain binding upon each executing state until renounced by it.

The duties and obligations hereunder of a renouncing state shall continue as to parolees or probationers residing therein at the time of withdrawal until retaken or finally discharged by the sending state. Renunciation of this compact shall be by the same authority which executed it, by sending six months' notice in writing of its intention to withdraw from the compact to the other states party hereto.

2. Separability Clause. If any section, sentence, subdivision or clause of this act is for any reason held invalid or to be unconstitutional, such decision shall not affect the validity of the remaining portions of this act.

3. Takes Effect. Whereas an emergency exists for the immediate taking effect of this act, the same shall become effective immediately upon its passage.

4. Title. This act may be cited as the "Uniform Act for Out-of-State Parolee Supervision."

[Approved April 15, 1937.]

CHAPTER 65.

AN ACT TO SECURE THE ATTENDANCE OF WITNESSES FROM WITHOUT A STATE IN CRIMINAL PROCEEDINGS.

SECTION

1. Definitions.
2. Summoning witness in this state to testify in another state.
3. Witness from another state summoned to testify in this state.

SECTION

4. Exemption from arrest and service of process.
5. Uniformity of interpretation.
6. Short title.
7. Inconsistent laws repealed.
8. Constitutionality.
9. Takes effect.

Be it enacted by the Senate and House of Representatives in General Court convened:

1. Definitions. "Witness" as used in this act shall include a person whose testimony is desired in any proceeding or investigation by a grand jury or in a criminal action, prosecution or proceeding.

The word "state" shall include any territory of the United States and District of Columbia.

The word "summons" shall include a subpoena, order or other notice requiring the appearance of a witness.

2. Summoning Witness in this State to Testify in Another State. If a judge of a court of record in any state which by

its laws has made provision for commanding persons within that state to attend and testify in this state certifies under the seal of such court that there is a criminal prosecution pending in such court, or that a grand jury investigation has commenced or is about to commence, that a person being within this state is a material witness in such prosecution, or grand jury investigation, and that his presence will be required for a specified number of days, upon presentation of such certificate to any judge of a court of record in the county in which such person is, such judge shall fix a time and place for a hearing, and shall make an order directing the witness to appear at a time and place certain for the hearing.

If at a hearing the judge determines that the witness is material and necessary, that it will not cause undue hardship to the witness to be compelled to attend and testify in the prosecution or a grand jury investigation in the other state, and that the laws of the state in which the prosecution is pending or grand jury investigation has commenced or is about to commence and of any other state through which the witness may be required to pass by ordinary course of travel, will give to him protection from arrest and the service of civil and criminal process, he shall issue a summons, with a copy of the certificate attached, directing the witness to attend and testify in the court where the prosecution is pending, or where a grand jury investigation has commenced or is about to commence at a time and place specified in the summons. In any such hearing the certificate shall be *prima facie* evidence of all the facts stated therein.

If said certificate recommends that the witness be taken into immediate custody and delivered to an officer of the requesting state to assure his attendance in the requesting state, such judge may, in lieu of notification of the hearing, direct that such witness be forthwith brought before him for said hearing; and the judge at the hearing being satisfied of the desirability of such custody and delivery, for which determination the certificate shall be *prima facie* proof of such desirability may, in lieu of issuing subpoena or summons, order that said witness be forthwith taken into custody and delivered to an officer of the requesting state.

If the witness, who is summoned as above provided, after being paid or tendered by some properly authorized person the

sum of ten cents a mile for each mile by the ordinary traveled route to and from the court where the prosecution is pending and five dollars for each day, that he is required to travel and attend as a witness, fails without good cause to attend and testify as directed in the summons, he shall be punished in the manner provided for the punishment of any witness who disobeys a summons issued from a court of record in this state.

3. Witness from Another State Summoned to Testify in this State. If a person in any state, which by its laws has made provision for commanding persons within its borders to attend and testify in criminal prosecutions, or grand jury investigations commenced or about to commence, in this state, is a material witness in a prosecution pending in a court of record in this state, or in a grand jury investigation which has commenced or is about to commence, a judge of such court may issue a certificate under the seal of the court stating these facts and specifying the number of days the witness will be required. Said certificate may include a recommendation that the witness be taken into immediate custody and delivered to an officer of this state to assure his attendance in this state. This certificate shall be presented to a judge of a court of record in the county in which the witness is found.

If the witness is summoned to attend and testify in this state he shall be tendered the sum of ten cents a mile for each mile by the ordinary traveled route to and from the court where the prosecution is pending, and five dollars for each day that he is required to travel and attend as a witness. A witness who has appeared in accordance with the provisions of the summons shall not be required to remain within this state a longer period of time than the period mentioned in the certificate, unless otherwise ordered by the court. If such witness, after coming into this state, fails without good cause to attend and testify as directed in the summons, he shall be punished in the manner provided for the punishment of any witness who disobeys a summons issued from a court of record in this state.

4. Exemption from Arrest and Service of Process. If a person comes into this state in obedience to a summons directing him to attend and testify in this state he shall not while in this state pursuant to such summons be subject to arrest or the service of process, civil or criminal, in connection with

matters which arose before his entrance into this state under the summons.

If a person passes through this state while going to another state in obedience to a summons to attend and testify in that state or while returning therefrom, he shall not while so passing through this state be subject to arrest or the service of process, civil or criminal, in connection with matters which arose before his entrance into this state under the summons.

5. Uniformity of Interpretation. This act shall be so interpreted and construed as to effectuate its general purpose to make uniform the law of the states which enact it.

6. Short Title. This act may be cited as "Uniform Act to Secure the Attendance of Witnesses from Without a State in Criminal Proceedings."

7. Inconsistent Laws Repealed. All acts or parts of acts inconsistent with this act are hereby repealed.

8. Constitutionality. If any provision of this act or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are declared to be severable.

9. Takes Effect. This act shall take effect upon its passage.

[Approved April 15, 1937.]

CHAPTER 66.

AN ACT CHANGING THE NAME OF WICWAS POND TO WICWAS LAKE.

SECTION

1. Name changed.

SECTION

2. Takes effect.

Be it enacted by the Senate and House of Representatives in General Court convened:

1. Name Changed. The body of water in the town of Meredith now known as Wicwas pond shall hereafter be called Wicwas lake.

2. Takes Effect. This act shall take effect upon its passage.

[Approved April 15, 1937.]

CHAPTER 67.*

AN ACT ESTABLISHING A SECONDARY HIGHWAY SYSTEM.

SECTION

1. Secondary state highway system.
2. Layout.
3. Taking land.
4. Completion.
5. Priority.

SECTION

6. Construction.
7. Maintenance.
8. Expenditure authorized.
9. Takes effect.

Be it enacted by the Senate and House of Representatives in General Court convened:

1. Secondary State Highway System. For the purpose of developing recreational areas and rural communities that are not now adequately served by highway transportation facilities and to connect existing highways into a secondary highway system in accordance with the plan shown upon a map filed in the office of the secretary of state and designated, "Secondary State Highway System 1937" prepared by the highway commissioner and made a part of this act by this reference thereto, the highway commissioner, whenever in his opinion the public good so requires, may designate for improvement, subject to the approval of the governor and council, any part or all of said system.

2. Layout. The highway commissioner shall determine the route to be followed by each of the highways included in said system and the order in which the work thereon shall be begun, prosecuted, and completed.

3. Taking Land. The routes of highways included in said system may be changed from existing highways by the highway commissioner to such extent as in his opinion the public good may require, and for that purpose he is authorized to designate such changes and upon his recommendation the governor and council may take or purchase land and have damages assessed therefor, in accordance with the provisions of chapter 77 of the Public Laws, as amended by chapter 139, Laws of 1931.

4. Completion. No town through which highways included in said system pass shall receive any state aid for highway improvements except on said highways until said improvement thereon shall have been completed within such town, other than on highways heretofore designated for improvement.

* See chapter 122, *post*.

Nothing in this act shall prevent a town from exercising the option authorized by section 25, chapter 84, Public Laws, as amended by section 7, chapter 17, Laws of 1935. No part of the funds hereinafter provided shall be used within the compact part of any town having a population of twenty-five hundred or more, such compact part to be determined by the highway commissioner.

5. Priority. The highway commissioner shall apportion the fund hereinafter provided to the towns through which said highways shall pass. In making such apportionment, preference shall be given to such parts of said highways as have not heretofore been improved under state aid and to such portions as shall be in such condition as to require immediate improvement.

6. Construction. The highways included in said system shall be improved under the direction of the highway commissioner and the expense of such improvement shall be borne by the state and towns in the proportion required by chapter 84, Public Laws, as amended, except that where it appears that the road designated is of no particular benefit to a town, or in cases where a town is unable to pay its proportion of such cost, the highway commissioner may, with the approval of the governor and council, pay such further expense as may be deemed equitable.

7. Maintenance. All highways and bridges constructed under the provisions of this act shall be maintained by the state or by the town in which such highway or bridge is located in accordance with the designation as to maintenance shown on said map.

8. Expenditure Authorized. The highway commissioner is hereby authorized to expend from the highway funds such sums as may be necessary to carry out the provisions of this act.

9. Takes Effect. This act shall take effect upon its passage.

[Approved April 20, 1937.]

CHAPTER 68.

AN ACT RELATING TO THE PRACTICE OF CHIROPRACTIC.

SECTION

1. Practice of chiropractic.

SECTION

2. Takes effect.

Be it enacted by the Senate and House of Representatives in General Court convened:

1. Practice of Chiropractic. Amend section 16 of chapter 206 of the Public Laws by striking out the same and inserting in place thereof the following: **16. Penalties.** Whoever, not being registered and licensed as herein provided, shall advertise himself or in any way hold himself out as qualified to practice chiropractic, or whoever does so after receiving notice that his license has been revoked, and whoever, being registered and licensed as herein provided, shall advertise or call himself, or allow himself to be advertised or called a physician or a doctor, or use any physician's or doctor's insignia as such, except "Doctor (name of chiropractor) chiropractor," shall be fined not more than one hundred dollars, or imprisoned not more than three months for the first offense, and for any subsequent offense he shall be fined not more than two hundred and fifty dollars, or imprisoned not more than six months, or both; and upon conviction his license shall be revoked.

2. Takes Effect. This act shall take effect upon its passage.

[Approved April 21, 1937.]

CHAPTER 69.

AN ACT RELATING TO THE OPERATION OF MOTOR VEHICLES BY UNLICENSED OPERATORS.

SECTION

1. Motor vehicle operation without a license *prima facie* evidence of unfitness.

SECTION

2. Takes effect.

Be it enacted by the Senate and House of Representatives in General Court convened:

1. Motor Vehicle Operation Without a License Prima Facie Evidence of Unfitness. Amend section 9 of chapter 101 of the Public Laws by adding at the end thereof the following; and if any person shall operate a motor vehicle in violation of this

section such violation in any civil action shall be *prima facie* evidence of his unfitness to operate a motor vehicle, so that said section as amended shall read as follows: **9. License Necessary.** No person shall operate a motor vehicle upon any way in this state unless licensed under the provisions of this title, or permit such a vehicle owned or controlled by him to be so operated by a person not so licensed, except as otherwise herein provided, and if any person shall operate a motor vehicle in violation of this section such violation in any civil action shall be *prima facie* evidence of his unfitness to operate a motor vehicle.

2. Takes Effect. This act shall take effect upon its passage.

[Approved April 21, 1937.]

CHAPTER 70.

AN ACT TO MAKE UNIFORM THE PROCEDURE ON INTERSTATE EXTRADITION.

SECTION

1. Interstate extradition; new chapter:
 1. Definitions.
 2. Fugitives from justice.
 3. Form of demand.
 4. Governor may investigate.
 5. Extradition of persons in another state.
 6. Extradition of persons not present in demanding state at time of commission of crime.
 7. Issue of governor's warrant.
 8. Manner and place of execution.
 9. Authority of arresting officer.
 10. Right of accused person.
 11. Penalty for non-compliance.
 12. Confinement in jail necessary.
 13. Arrest prior to requisition.

SECTION

14. Arrest without warrant.
15. Commitment to await requisition.
16. Bail.
17. Extension of time.
18. Forfeiture of bail.
19. Persons under criminal prosecution.
20. Guilt or innocence of accused.
21. Governor may recall warrant.
22. Duty of governors.
23. Application for requisition.
24. Expenses.
25. Immunity from service of process.
26. Written waiver.
27. Non-waiver by this state.
28. No right of asylum.
29. Interpretation.
30. Constitutionality.
31. Short title.
2. Takes effect.

Be it enacted by the Senate and House of Representatives in General Court convened:

1. **Interstate Extradition.** Amend chapter 377 of the

Public Laws by striking out the entire chapter and inserting in place thereof the following:

CHAPTER 377

1. Definitions. Where appearing in this act, the term "governor" includes any person performing the functions of governor by authority of the law of this state. The term "executive authority" includes the governor, and any person performing the functions of governor in a state other than this state. The term "state," referring to a state other than this state, includes any other state or territory, organized or unorganized, of the United States of America.

2. Fugitives from Justice; Duty of Governor. Subject to the provisions of this act, the provisions of the Constitution of the United States controlling, and any and all acts of Congress enacted in pursuance thereof, it is the duty of the governor of this state to have arrested and delivered up to the executive authority of any other state of the United States any person charged in that state with treason, felony, or other crime, who has fled from justice and is found in this state.

3. Form of Demand. No demand for the extradition of a person charged with crime in another state shall be recognized by the governor unless in writing alleging, except in cases arising under section 6, that the accused was present in the demanding state at the time of the commission of the alleged crime, and that thereafter he fled from the state, and accompanied by a copy of an indictment found or by information supported by affidavit in the state having jurisdiction of the crime, or by a copy of an affidavit made before a magistrate there, together with a copy of any warrant which was issued thereupon; or by a copy of a judgment of conviction or of a sentence imposed in execution thereof, together with a statement by the executive authority of the demanding state that the person claimed has escaped from confinement or has broken the terms of his bail, probation or parole. The indictment, information, or affidavit made before the magistrate must substantially charge the person demanded with having committed a crime under the law of that state; and the copy of indictment, information, affidavit, judgment of conviction or sentence must be authenticated by the executive authority making the demand.

4. Governor May Investigate Case. When a demand shall be made upon the governor of this state by the executive authority of another state for the surrender of a person so charged with crime, the governor may call upon the attorney-general or any prosecuting officer in this state to investigate or assist in investigating the demand, and to report to him the situation and circumstances of the person so demanded, and whether he ought to be surrendered.

5. Extradition of Persons Imprisoned or Awaiting Trial in Another State or Who Have Left the Demanding State Under Compulsion. When it is desired to have returned to this state a person charged in this state with a crime, and such person is imprisoned or is held under criminal proceedings then pending against him in another state, the governor of this state may agree with the executive authority of such other state for the extradition of such person before the conclusion of such proceedings or his term of sentence in such other state, upon condition that such person be returned to such other state at the expense of this state as soon as the prosecution in this state is terminated. The governor of this state may also surrender on demand of the executive authority of any other state any person in this state who is charged in the manner provided in section 23 of this act with having violated the laws of the state whose executive authority is making the demand, even though such person left the demanding state involuntarily.

6. Extradition of Persons Not Present in Demanding State at Time of Commission of Crime. The governor of this state may also surrender, or demand of the executive authority of any other state, any person in this state charged in such other state in the manner provided in section 3 with committing an act in this state, or in a third state, intentionally resulting in a crime in the state whose executive authority is making the demand, and the provisions of this act not otherwise inconsistent, shall apply to such cases, even though the accused was not in that state at the time of the commission of the crime, and has not fled therefrom.

7. Issue of Governor's Warrant of Arrest; its Recitals. If the governor decides that the demand should be complied with, he shall sign a warrant of arrest, which shall be sealed with the state seal, and be directed to any peace officer or other person whom he may think fit to entrust with the execution thereof.

The warrant must substantially recite the facts necessary to the validity of its issuance.

8. Manner and Place of Execution. Such warrant shall authorize the peace officer or other person to whom directed to arrest the accused at any time and any place where he may be found within the state and to command the aid of all peace officers or other persons in the execution of the warrant, and to deliver the accused, subject to the provisions of this act to the duly authorized agent of the demanding state.

9. Authority of Arresting Officer. Every such peace officer or other person empowered to make the arrest, shall have the same authority in arresting the accused, to command assistance therein, as peace officers have by law in the execution of any criminal process directed to them, with like penalties against those who refuse their assistance.

10. Rights of Accused Person; Application for Writ of Habeas Corpus. No person arrested upon such warrant shall be delivered over to the agent whom the executive authority demanding him shall have appointed to receive him unless he shall first be taken forthwith before a judge of a court of record in this state, who shall inform him of the demand made for his surrender and of the crime with which he is charged, and that he has the right to demand and procure legal counsel; and if the prisoner or his counsel shall state that he or they desire to test the legality of his arrest, the judge of such court of record shall fix a reasonable time to be allowed him within which to apply for a writ of *habeas corpus*. When such writ is applied for, notice thereof, and of the time and place of hearing thereon, shall be given to the prosecuting officer of the county in which the arrest is made and in which the accused is in custody, and to the said agent of the demanding state.

11. Penalty for Non-compliance with Preceding Section. Any officer who shall deliver to the agent for extradition of the demanding state a person in his custody under the governor's warrant, in wilful disobedience to the last section, shall be guilty of a misdemeanor and, on conviction, shall be fined not more than one thousand dollars or be imprisoned not more than six months, or both.

12. Confinement in Jail When Necessary. The officer or person executing the governor's warrant of arrest, or the agent of the demanding state to whom the prisoner may have been

delivered, may, when necessary, confine the prisoner in the jail of any county or city through which he may pass; and the keeper of such jail must receive and safely keep the prisoner until the officer or person having charge of him is ready to proceed on his route, such officer or person being chargeable with the expense of keeping. The officer or agent of a demanding state to whom a prisoner may have been delivered following extradition proceedings in another state, or to whom a prisoner may have been delivered after waiving extradition in such other state, and who is passing through this state with such a prisoner for the purpose of immediately returning such prisoner to the demanding state may, when necessary, confine the prisoner in the jail of any county or city through which he may pass; and the keeper of such jail must receive and safely keep the prisoner until the officer or agent, having charge of him is ready to proceed on his route, such officer or agent, however, being chargeable with the expense of keeping; provided, however, that such officer or agent shall produce and show to the keeper of such jail satisfactory written evidence of the fact that he is actually transporting such prisoner to the demanding state after a requisition by the executive authority of such demanding state. Such prisoner shall not be entitled to demand a new requisition while in this state.

13. Arrest Prior to Requisition. Whenever any person within this state shall be charged on the oath of any credible person before any judge or magistrate of this state with the commission of any crime in any other state and, except in cases arising under section 6 with having fled from justice, or with having been convicted of a crime in that state and having escaped from confinement, or having broken the terms of his bail, probation or parole, or whenever complaint shall have been made before any judge or magistrate in this state setting forth on the affidavit of any credible person in another state that a crime has been committed in such other state and that the accused has been charged in such state with the commission of the crime, and, except in cases arising under section 6, has fled from justice, or with having been convicted of a crime in that state and having escaped from confinement, or having broken the terms of his bail, probation or parole, and is believed to be in this state, the judge or magistrate shall issue a warrant directed to any peace officer commanding him to ap-

prehend the person named therein, wherever he may be found in this state, and to bring him before the same or any other judge, magistrate or court who or which may be available in or convenient of access to the place where the arrest may be made, to answer the charge or complaint and affidavit, and a certified copy of the sworn charge or complaint and affidavit upon which the warrant is issued shall be attached to the warrant.

14. Arrest Without a Warrant. The arrest of a person may be lawfully made also by any peace officer or a private person, without a warrant upon reasonable information that the accused stands charged in the courts of a state with a crime punishable by death or imprisonment for a term exceeding one year, but when so arrested the accused must be taken before a judge or magistrate with all practicable speed and complaint must be made against him under oath setting forth the ground for the arrest as in the preceding section; and thereafter his answer shall be heard as if he had been arrested on a warrant.

15. Commitment to Await Requisition; Bail. If from the examination before the judge or magistrate it appears that the person held is the person charged with having committed the crime alleged and, except in cases arising under section 6, that he has fled from justice, the judge or magistrate must, by a warrant reciting the accusation, commit him to the county jail for such a time not exceeding thirty days and specified in the warrant, as will enable the arrest of the accused to be made under a warrant of the governor on a requisition of the executive authority of the state having jurisdiction of the offense, unless the accused give bail as provided in the next section, or until he shall be legally discharged.

16. Bail; in What Cases; Conditions of Bond. Unless the offense with which the prisoner is charged is shown to be an offense punishable by death or life imprisonment under the laws of the state in which it was committed, a judge or magistrate in this state may admit the person arrested to bail by bond, with sufficient sureties, and in such sum as he deems proper, conditioned for his appearance before him at a time specified in such bond, and for his surrender, to be arrested upon the warrant of the governor of this state.

17. Extension of Time of Commitment, Adjournment. If the accused is not arrested under warrant of the governor by

the expiration of the time specified in the warrant or bond, a judge or magistrate may discharge him or may recommit him for a further period not to exceed sixty days, or a judge or magistrate judge may again take bail for his appearance and surrender, as provided in section 16, but within a period not to exceed sixty days after the date of such new bond.

18. Forfeiture of Bail. If the prisoner is admitted to bail, and fails to appear and surrender himself according to the conditions of his bond, the judge, or magistrate by proper order, shall declare the bond forfeited and order his immediate arrest without warrant if he be within this state. Recovery may be had on such bond in the name of the state as in the case of other bonds given by the accused in criminal proceedings within this state.

19. Persons Under Criminal Prosecution in This State at Time of Requisition. If a criminal prosecution has been instituted against such person under the laws of this state and is still pending, the governor, in his discretion, either may surrender him on demand of the executive authority of another state or hold him until he has been tried and discharged or convicted and punished in this state.

20. Guilt or Innocence of Accused, When Inquired Into. The guilt or innocence of the accused as to the crime of which he is charged may not be inquired into by the governor or in any proceeding after the demand for extradition accompanied by a charge of crime in legal form as above provided shall have been presented to the governor, except as it may be involved in identifying the person held as the person charged with the crime.

21. Governor May Recall Warrant or Issue Alias. The governor may recall his warrant of arrest or may issue another warrant whenever he deems proper.

22. Fugitives from This State; Duty of Governors. Whenever the governor of this state shall demand a person charged with crime or with escaping from confinement or breaking the terms of his bail, probation or parole in this state, from the executive authority of any other state, or from the chief justice or an associate justice of the supreme court of the District of Columbia authorized to receive such demand under the laws of the United States, he shall issue a warrant under the seal of this state, to some agent, commanding him to receive the

person so charged if delivered to him and convey him to the proper officer of the county in this state in which the offense was committed.

23. Application for Issuance of Requisition; By Whom Made; Contents.

I. When the return to this state of a person charged with crime in this state is required, the prosecuting attorney shall present to the governor his written application for a requisition for the return of the person charged, in which application shall be stated the name of the person so charged, the crime charged against him, the approximate time, place and circumstances of its commission, the state in which he is believed to be, including the location of the accused therein, at the time the application is made and certifying that, in the opinion of the said prosecuting attorney the ends of justice require the arrest and return of the accused to this state for trial and that the proceeding is not instituted to enforce a private claim.

II. When the return to this state is required of a person who has been convicted of a crime in this state and has escaped from confinement or broken the terms of his bail, probation or parole, the prosecuting attorney of the county in which the offense was committed, the parole board, or the warden of the institution or sheriff of the county, from which escape was made, shall present to the governor a written application for a requisition for the return of such person, in which application shall be stated the name of the person, the crime of which he was convicted, the circumstances of his escape from confinement or of the breach of the terms of his bail, probation or parole, the state in which he is believed to be, including the location of the person therein at the time application is made.

III. The application shall be verified by affidavit, shall be executed in duplicate and shall be accompanied by two certified copies of the indictment returned, or information and affidavit filed, or of the complaint made to the judge or magistrate, stating the offense with which the accused is charged, or of the judgment of conviction or of the sentence. The prosecuting officer, parole board, warden or sheriff may also attach such further affidavits and other documents in duplicate as he shall deem proper to be submitted with such application. One copy of the application, with the action of the governor indicated by

endorsement thereon, and one of the certified copies of the indictment, complaint, information, and affidavits, or of the judgment of conviction or of the sentence shall be filed in the office of the secretary of state to remain of record in that office. The other copies of all papers shall be forwarded with the governor's requisition.

24. Expenses. All expenses of officers of this state in connection with extradition proceedings under the provision of this act shall be paid out of the county treasury in the county wherein the crime is alleged to have been committed except as provided in the case of recommitment of certain paroled convicts as provided by section 38, chapter 369, of the Public Laws, as amended by chapter 66, of the Laws of 1935.

25. Immunity from Service of Process in Certain Civil Actions. A person brought into this state by, or after waiver of, extradition based on a criminal charge shall not be subject to service of personal process in civil actions arising out of the same facts as the criminal proceedings to answer which he is being or has been returned, until he has been convicted in the criminal proceeding, or if acquitted, until he has had reasonable opportunity to return to the state from which he was extradited.

26. Written Waiver of Extradition Proceedings. Any person arrested in this state charged with having committed any crime in another state or alleged to have escaped from confinement, or broken the terms of his bail, probation or parole may waive the issuance and service of the warrant provided for in sections 7 and 8 and all other procedure incidental to extradition proceedings, by executing or subscribing in the presence of a judge of any court of record within this state a writing which states that he consents to return to the demanding state; provided, however, that before such waiver shall be executed or subscribed by such person it shall be the duty of such judge to inform such person of his rights to the issuance and service of a warrant of extradition and to obtain a writ of *habeas corpus* as provided for in section 10. If and when such consent has been duly executed it shall forthwith be forwarded to the office of the governor of this state and filed therein. The judge shall direct the officer having such person in custody to deliver forthwith such person to the duly accredited agent or agents of the demanding state, and shall deliver or cause to be

delivered to such agent or agents a copy of such consent; provided, however, that nothing in this section shall be deemed to limit the rights of the accused person to return voluntarily and without formality to the demanding state, nor shall this waiver procedure be deemed to be an exclusive procedure or to limit the powers, rights or duties of the officers of the demanding state or of this state.

27. Non-waiver by This State. Nothing in this act contained shall be deemed to constitute a waiver by this state of its right, power or privilege to try such demanded person for crime committed within this state, or of its right, power or privilege to regain custody of such person by extradition proceedings or otherwise for the purpose of trial, sentence or punishment for any crime committed within this state, nor shall any proceedings had under this act which result in, or fail to result in, extradition be deemed a waiver by this state of any of its rights, privileges or jurisdiction in any way whatsoever.

28. No Right of Asylum; No Immunity from Other Criminal Prosecutions While in This State. After a person has been brought back to this state by, or after waiver of, extradition proceedings he may be tried in this state for other crimes which he may be charged with having committed here as well as that specified in the requisition for his extradition.

29. Interpretation. The provisions of this act shall be so interpreted and construed as to effectuate its general purposes to make uniform the law of those states which enact it.

30. Constitutionality. If any provision of this act or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application and to this end the provisions of this act are declared to be severable.

31. Short Title. This act may be cited as the "Uniform Criminal Extradition Act."

2. Takes Effect. This act shall take effect upon its passage.

[Approved April 21, 1937.]

CHAPTER 71.

AN ACT RELATING TO FIRE ESCAPES.

SECTION

1. Fire escapes.
2. Application of act.

SECTION

3. Repeal.
4. Takes effect.

Be it enacted by the Senate and House of Representatives in General Court convened:

1. Fire Escapes. Amend section 9 of chapter 147 of the Public Laws by striking out the same and inserting in place thereof the following: **9. Where Required, and Kind to be Provided.** No hotel, inn, lodging or boarding house or institution, in which rooms above the second story are occupied for sleeping purposes, and no building more than two stories in height used or occupied above the second story as a school, theatre, hall for public assembly, factory, mill, shop, apartment or tenement house, shall be let, leased or occupied for such purposes unless provided with safe and adequate fire escapes consisting of metal stairways, with metal balconies, attached to the outer wall in such manner and place as to render egress from such building easy and safe. All windows opening upon such fire escapes shall be of wired glass.

2. Application of Act. Further amend said chapter 147 by adding after section 9, as hereinbefore amended, the following new sections:

9-a. Exceptions. The provisions of section 9 shall not apply to the following buildings:

I. Buildings which are approved by the fire underwriters as being of fireproof construction;

II. Buildings which are completely equipped with an approved sprinkler system;

III. Buildings, except factories containing materials readily combustible or products made from such materials, provided with interior fire escapes of fireproof construction enclosed in fireproof walls and with exits as provided in section 12;

IV. Buildings which are approved by the state board of health or the commissioner of labor as provided in section 9-b.

9-b. Standards Set Up. The commissioner of labor is hereby authorized to set standards defining requirements to insure ready and safe egress in the event of fire, for factories and workshops, more than two stories in height, and to approve

buildings which conform to such standards. The state board of health is hereby authorized to set such standards for other buildings as defined in section 9 and to approve buildings which conform thereto.

3. **Repeal.** Section 14 of said chapter 147, relative to sprinkler systems, is hereby repealed.

4. **Takes Effect.** This act shall take effect upon its passage.

[Approved April 21, 1937.]

CHAPTER 72.

AN ACT RELATING TO THE BRIDGE BETWEEN ORFORD, N. H. AND FAIRLEE, VT.

SECTION

1. Morey Memorial Bridge.

SECTION

2. Takes effect.

Be it enacted by the Senate and House of Representatives in General Court convened:

1. **Morey Memorial Bridge.** The bridge across the Connecticut river between Orford, New Hampshire and Fairlee, Vermont, now being constructed by the state of New Hampshire and the state of Vermont shall hereafter be designated as the Samuel Morey Memorial Bridge.

2. **Takes Effect.** This act shall take effect upon its passage.

[Approved April 21, 1937.]

CHAPTER 73.

AN ACT CLOSING CERTAIN WATERS TO SMELT FISHING.

SECTION

1. Waters closed to smelt fishing.

SECTION

2. Takes effect.

Be it enacted by the Senate and House of Representatives in General Court convened:

1. **Smelt Fishing.** Amend section 6, chapter 155 of the Laws of 1935 by inserting after the word "Hancock" in the seventeenth line, the following words, and Nelson, Silver lake in Nelson and Harrisville, Mill brook from White Oak pond to

Big Squam lake in Holderness, so that said section as amended shall read as follows: **6. Closed Waters.** The following waters are closed to smelt fishing: Dana Hines brook in Meredith, Dublin pond and the outlet as far as Clark's Mill pond dam in Dublin, White pond in Ossipee, Black brook in Sanbornton for a distance of two hundred yards above its middle mouth to a point one hundred and fifty yards out into the lake from its middle mouth, Massabesic lake and all its tributaries in Manchester and Auburn, Silver lake and its tributaries in Madison, Massasecum lake in Bradford, Pleasant pond and its tributaries in Deerfield, Mascoma river in Mascoma and Lebanon from the outlet of the lake to the south ends of the abutment of the first railroad bridge, First Connecticut lake and its tributaries in Pittsburg, all tributaries of Sunapee lake, Highland lake and its tributaries in Andover, all tributaries of Webster lake in Franklin, Echo lake in Marlow and Lempster, Inlet brook to Ledge pond in Madison, all tributaries of Loon lake in Freedom, Nubanusit lake in Hancock and Nelson, Silver lake in Nelson and Harrisville, Mill brook from White Oak pond to Big Squam lake in Holderness, all tributaries to Lake Tarleton in Piermont and Swanzey lake in Swanzey, and all tributaries of Little Sunapee lake in New London and Bradley lake in Andover.

2. Takes Effect. This act shall take effect upon its passage.

[Approved April 21, 1937.]

CHAPTER 74.

AN ACT RELATING TO THE LENGTH OF MOTOR VEHICLES.

SECTION

1. Width and length of motor vehicles excluded from highways.

SECTION

2. Takes effect.

Be it enacted by the Senate and House of Representatives in General Court convened:

1. Motor Vehicles. Amend section 26 of chapter 103 of the Public Laws as amended by section 2 of chapter 157, Laws of 1933, by striking out the words "thirty feet" and by inserting in place thereof the words thirty-three feet, so that said section as amended shall read: **26. Width; Length.** No vehicle

whose width including load is greater than ninety-six inches, or whose length including load is greater than thirty-three feet, and no combination of wheels coupled together whose total length, including load, is greater than forty-five feet, shall be operated on the highways of this state. Provided, however, that the provisions of this section relative to length shall not apply to vehicles transporting poles, logs, timbers or metal when actually so employed, or to vehicles and combinations of greater length now registered and operated in this state and that in determining width there shall be excluded six inches of any increase in width due to changing to low pressure tire equipment from other tire equipment.

2. Takes Effect. This act shall take effect upon its passage.

[Approved April 21, 1937.]

CHAPTER 75.

AN ACT IN RELATION TO PUBLIC BATHS AND SWIMMING POOLS.

SECTION

1. Towns authorized to charge fees for public swimming pools.

SECTION

2. Takes effect.

Be it enacted by the Senate and House of Representatives in General Court convened:

1. Towns Authorized to Charge Fees for Public Swimming Pools. Amend section 32 of chapter 42 of the Public Laws, as amended by chapter 98, Laws of 1927, by inserting therein after the word "pools" the words, and charge reasonable admission and bathhouse fees in connection with the operation thereof, so that said section as amended shall read as follows:
32. Establishment; Management. Any town may take land within the municipal limits in fee by gift, purchase or right of eminent domain, or may lease the same; and may prepare, equip and maintain it, or any other land belonging to the municipality and suitable for the purpose, as a public playground and may authorize the collection of admission fees for amateur athletic contests thereon; may conduct and promote thereon play and recreation activities; may equip and operate neighborhood center buildings; may operate public baths and swim-

ming pools and charge reasonable admission and bathhouse fees in connection with the operation thereof; and may employ such play leaders, playground instructors, supervisors, recreation secretary, or superintendent and other officials as it deems best.

2. Takes Effect. This act shall take effect upon its passage.

[Approved April 21, 1937.]

CHAPTER 76.

AN ACT RELATING TO PERMITS FOR THE REGISTRATION OF MOTOR VEHICLES.

SECTION

1. Motor vehicle permits for registration.

SECTION

2. Takes effect.

Be it enacted by the Senate and House of Representatives in General Court convened:

1. Municipal Permits. Amend section 12 of chapter 100 of the Public Laws, as amended by chapter 5 of the Laws of 1929, by striking out all of said section and inserting in place thereof the following: **12.* Transfer Credits.** Upon the transfer of ownership of a motor vehicle the permit shall expire; provided that any owner who has paid a permit fee for a motor vehicle the ownership of which is transferred, or which is subsequently totally lost by fire, theft or accident, in the same calendar year, shall be entitled to a credit to the amount of any such permit fee or fees towards other permit fees which may be required of him in the same calendar year. No portion of any permit fee once paid shall be repaid to any person; and from September first to December thirty-first such credits shall not exceed one third of the amount of the original fee.

2. Takes Effect. This act shall take effect upon its passage.

[Approved April 27, 1937.]

* Amended, chapter 113, *post*.

CHAPTER 77.

AN ACT PROHIBITING WILFUL OR MALICIOUS INTERFERENCE WITH
OR HARM TO HORSES USED FOR RACING, AND
PRESCRIBING PENALTIES THEREFOR.

SECTION

1. Malicious interference with race
-
- horses prohibited.

SECTION

2. Takes effect.

*Be it enacted by the Senate and House of Representatives in
General Court convened:*

1. Horse Racing. Amend chapter 27 of the Laws of 1935 by adding after section 13 a new section to be numbered 13-a to read as follows: **13-a. Malicious Interference with Horses Prohibited.** Any person who wilfully or maliciously attempts to or does interfere with, tamper with, injure or destroy by the use of narcotics, drugs, stimulants or appliances of any kind any horse used for the purpose of racing, whether such horse be the property of such person or another, or who wilfully or maliciously causes, instigates, counsels or in any way aids or abets any such interference, tampering, injury or destruction shall, upon conviction, be fined not more than five thousand dollars or imprisoned for not more than three years or both, in the discretion of the court.

2. Takes Effect. This act shall take effect upon its passage.

[Approved April 27, 1937.]

CHAPTER 78.

AN ACT RELATIVE TO MEMBERSHIP OF CITY AND TOWN PLANNING
BOARDS.

SECTION

1. Qualifications for membership
-
- of city and town planning
-
- boards.

SECTION

2. Takes effect.

*Be it enacted by the Senate and House of Representatives in
General Court convened:*

1. Planning Boards. Amend section 5 of chapter 55 of the Laws of 1935 by inserting after the word "adjustment" in the fifth line the words, and provided also that any of such appointed members may be members of a budget committee in a

town or a justice of the municipal court, so that said section as amended shall read as follows: 5. **Qualifications and Terms of Members.** All members of a planning board shall serve as such without compensation, and the appointed members shall hold no other municipal office, except that one of such appointed members may be a member of the zoning board of adjustment and provided also that any of such appointed members may be members of a budget committee in a town or a justice of the municipal court. The terms of *ex-officio* members shall correspond to their respective official tenures, except in the case of cities that the term of the administrative official selected by the mayor shall terminate with the term of the mayor selecting him. The term of each appointed member shall be six years in the case of nine member planning boards, five years in the case of seven member planning boards and four years in the case of five member planning boards, except that the respective terms of five of the members first appointed to a nine member or a seven member planning board shall be one, two, three, four and five years; and in the case of five member planning boards that the respective terms of the four members first appointed shall be one, two, three and four years.

2. **Takes Effect.** This act shall take effect upon its passage.

[Approved April 27, 1937.]

CHAPTER 79.

AN ACT RELATING TO THE PROTECTION OF THE PUBLIC HEALTH.

SECTION

1. Plumbing regulations made by
state board of health.

SECTION

2. Constitutionality.
3. Takes effect.

*Be it enacted by the Senate and House of Representatives in
General Court convened:*

1. **Plumbing Regulations.** Amend chapter 153 of the Public Laws by adding after section 6 the following:

6-a. **Public Health.** The state board of health may make, may from time to time revise, and may enforce, such plumbing rules and regulations as it may deem necessary for protection of the public health. Said rules and regulations shall

be in effect in every city, village and area having a public water supply, and in all premises connected to a public water supply, and every city and town in which there is a public water supply shall provide for enforcement of them. They shall be construed as minimum and not as preventing local authorities from fixing more stringent ones. In case of a public water system lying in two or more cities or towns, the health officer or plumbing inspector of the city or town operating the said system, or in which its management is located, shall have the power to make plumbing inspections and to enforce the said regulations as to any premises connected to that system and located in such other cities or towns.

6-b. Definitions. "Plumbing" as used in this chapter, shall mean the art of installing in buildings the pipes, fixtures, and other apparatus for bringing in the water supply and removing liquid and water-carried wastes. "Public water supply" means any water system supplying water for ten or more consumers, each family, tenement, store or other establishment being considered a single consumer.

6-c. Water Department Employees. The licensing provisions of this chapter shall not apply to employees of public water supply departments and companies or public sewerage departments, when working in the discharge of duty.

2. Constitutionality. The unconstitutionality of any provision of this act or its application to any person or circumstance shall not invalidate the remainder of this act or the application of such provision to other persons or circumstances.

3. Takes Effect. This act shall take effect three months after its passage.

[Approved April 27, 1937.]

CHAPTER 80.

AN ACT RELATING TO PRIMARY AND ELECTION LAWS.

SECTION	SECTION
1. Primary elections.	11. Certificate of moderator.
2. Duty of city or town clerk.	12. Duty of moderator.
3. Filing time defined.	13. Prohibited marking.
4. Preservation of petitions.	14. Sealing; certifying.
5. Vacancies, term defined.	15. Forwarding ballots.
6. Application for recount.	16. Recount after election.
7. Prohibited use of pasters.	17. Disposition of ballots.
8. Appointment ballot-law commission.	18. Delegates to national conventions.
9. Time within which objections may be submitted.	19. Time for filling vacancies.
10. Record of ballots.	20. Takes effect.

Be it enacted by the Senate and House of Representatives in General Court convened:

1. Primary Elections. Amend section 20, chapter 25 of the Public Laws by striking out the word "thirty-five" in the second line and substituting in place thereof the word, forty-six; further amend by striking out the word "thirty-eight" in the third and fourth lines and substituting in place thereof the word, forty-nine; further amend by adding at the end of said section the following: The number of days herein given shall include Sundays and shall end on the day before the primary at six o'clock in the afternoon, so that said section as amended shall read as follows: **20. Supplementary Petitions.** In such case supplementary petitions may be filed, but not later than forty-six days before the primary for those to be filed with the secretary of state, and for all others forty-nine days. The number of days herein given shall include Sundays and shall end on the day before the primary at six o'clock in the afternoon.

2. Duty of Clerk. Amend section 21 of chapter 25 of the Public Laws by striking out the words "within two days" in the third line and substituting in place thereof the words, on the day, so that said section as amended shall read as follows: **21. Forwarding.** Each clerk of a city or town shall forward each declaration of or assent to candidacy filed with him to the secretary of state on the day of the filing of the same, provided the requisite fee shall have been deposited, or the requisite number of primary petitions shall have been filed therewith.

3. **Filing Time Defined.** Amend section 22 of chapter 25 of the Public Laws as amended by section 1 of chapter 42 of the Laws of 1935 by striking out the word "thirty-five" in the fourth line and substituting in place thereof the word, forty-six; further amend by striking out the word "forty" in the fifth line and substituting in place thereof the word, fifty, so that said section as amended shall read as follows: **22. When Filed.** Declarations of and assents to candidacy and primary petitions to be filed with the secretary of state shall be filed not less than forty-six days before the date of the primary, and all others fifty days, except as provided in section 20. The number of days herein given shall include Sundays and shall end on the day before the primary at six o'clock in the afternoon.

4. **Primary Petitions.** Amend section 23 of chapter 25 of the Public Laws by striking out the whole of said section and inserting in place thereof the following: **23. Preservation.** The clerks of cities and towns shall forward all primary petitions filed with them on the day of the filing of the same to the secretary of state who shall retain them together with all primary petitions filed with him until January first following the holding of the primary, when they may be destroyed.

5. **Definition.** Amend section 47 of chapter 25 of the Public Laws as amended by section 2 of chapter 42 of the Laws of 1935 by adding at the end thereof the following: "Vacancies" for the purpose of this section shall mean only those cases where no candidate has filed and where the person whose name has been written in withdraws or refuses to accept the nomination, so that said section as amended shall read as follows: **47. Vacancies.** Vacancies upon any party ticket occurring after the holding of any primary shall be filled by the party committee of the state, county, town or ward, as the case may require, and such committee shall file notice of the appointment made with the secretary of state thirty days prior to the day of election for all candidates for any office. The number of days herein given shall include Sundays and shall end on the day before election at six o'clock in the afternoon. The names of persons so appointed shall be placed upon the official election ballot. "Vacancies" for the purpose of this section shall mean only those cases where no candidate has filed and where

the person whose name has been written in withdraws or refuses to accept the nomination.

6. Recount of Votes. Amend section 48 of chapter 25 of the Public Laws by striking out the word "ten" in the fifth line and substituting in place thereof the word, three, so that said section as amended shall read as follows: **48. Application.** If any person who was voted for upon the ballot of any party is not, according to the count first made by the secretary of state, chosen as the candidate of such party and desires a recount of the ballots cast in the primary, he shall apply in writing to the secretary of state for such recount within three days after the date of the advertisement of the result of the primary, provided for in section 44.

7. Prohibited Use. Amend section 63 of chapter 25 of the Public Laws by adding at the end thereof the following: Except as provided in this section, no adhesive slips, pasters or stickers shall be used on any ballot and their use shall invalidate that vote for all candidates for the office where they are so used, so that said section as amended shall read as follows: **63. Pastors.** If the ballots have been printed, and time will permit, the secretary of state may cause adhesive slips or pasters, with the name of the substitute candidate thereon, to be printed, or authorize the same to be done, and send or cause the same to be sent to the various town or city clerks representing the territory wherein the deceased candidate was to be voted for. Said town or city clerks shall deliver said slips or pasters to the election officers before the opening of the polls, and they shall paste them in the proper place on the ballot before it is handed to the voter. Except as provided in this section, no adhesive slips, pasters or stickers shall be used on any ballot and their use shall invalidate that vote for all candidates for the office where they are so used.

8. Ballot-Law Commission. Amend section 91 of chapter 25 of the Public Laws by striking out the word "September" in the first line and substituting in place thereof the word, August, so that said section as amended shall read as follows: **91. Appointment.** On or before August first preceding a biennial election the governor, with the advice of the council, shall appoint two persons from the two different political parties casting the largest number of votes at the preceding

biennial election, who, with the attorney-general, shall constitute a board of ballot-law commissioners.

9. Time Within Which Objections may be Submitted. Amend section 92 of chapter 25 of the Public Laws by inserting after the word "determined" in the fourth line the following: All questions and objections shall be submitted to them within three days from the last day for filing nominations, but not thereafter, so that said section as amended shall read as follows: **92. Duties.** They shall meet at the office of the secretary of state on the Tuesday next succeeding the last day for filing nominations, and shall continue in session from day to day until all questions submitted have been heard and determined. All questions and objections shall be submitted to them within three days from the last day for filing nominations, but not thereafter. They shall consider and decide all objections to the nomination of a candidate and all questions arising in case of nominations, and their decision shall be final.

10. Record of Ballots Forwarded. Amend section 19 of chapter 26 of the Public Laws by adding at the end thereof the following: The secretary of state shall also keep a record of the number of ballots of each kind forwarded to said clerks, so that said section as amended shall read as follows: **19. Delivery of Ballots.** The secretary of state shall send in a sealed package the ballots prepared by him to the several city and town clerks so as to be received by them twelve hours, at least, prior to the day of election. The same shall be marked on the outside, clearly designating the town or ward for which they are intended and the number of ballots of each kind enclosed. The secretary shall keep a record of the time when and the manner in which the several packages were forwarded. The secretary of state shall also keep a record of the number of ballots of each kind forwarded to said clerks.

11. Certificate by Moderator. Amend section 23 of chapter 26 of the Public Laws by adding at the end thereof the following: The ballots shall then and there be examined and counted by the election officials and the moderator shall certify to the clerk a record of the total number of ballots received and that they all are for the use of his town or ward. A copy of the moderator's certificate, also certified by the clerk, shall be forwarded to the secretary of state within the period of

seventy-two hours thereafter, so that said section as amended shall read as follows: **23. Unsealing.** At the opening of the polls in each town or ward the seal of the packages shall be publicly broken by the ward or town clerk, and the ballots shall be delivered by him to the ballot clerks hereinafter provided for. The ballots shall then and there be examined and counted by the election officials and the moderator shall certify to the clerk a record of the total number of ballots received and that they all are for the use of his town or ward. A copy of the moderator's certificate, also certified by the clerk, shall be forwarded to the secretary of state within the period of seventy-two hours thereafter.

12. Duty of Moderator. Amend section 51 of chapter 26 of the Public Laws by striking out the words "ballot clerk" in the fourth line and substituting therefor the words, moderator over his signature, so that said section as amended shall read as follows: **51. Spoiled Ballots.** If any voter spoils a ballot he may successively receive others, one at a time, not exceeding three in all, upon returning each spoiled one. The ballots thus returned shall be immediately marked "cancelled" by the moderator over his signature, and, together with those not distributed to the voters, shall be preserved.

13. Prohibition. Amend section 78 of chapter 26 of the Public Laws by striking out the whole of said section and inserting in place thereof the following: **78. Prohibited Marking.** No mark of any nature shall be placed on the ballot by election officials except as provided in sections 51 and 59 of chapter 26.

14. Regulations. Amend section 90 of chapter 26 of the Public Laws by striking out the whole of said section and inserting in place thereof the following: **90. Sealing; Certifying.** After the ballots cast at a biennial election have been counted and a declaration and record of the result made, the moderator, in the presence of the selectmen, shall place the cast ballots in a suitable envelope or other wrapper, and the cancelled and unused ballots in another suitable wrapper or envelope, wrap them together in one package, and seal the package in a manner calculated to prevent them from being removed or tampered with. The moderator and selectmen shall endorse on the envelopes or wrappers the number of cast, unused and cancelled ballots in each package and shall also en-

dorse and subscribe upon the outside of the package a certificate as follows: Enclosed are all the ballots cast and unused at the election in the town of (or, ward in the city of) on the day of 19, required by law to be preserved. Sealed up by the moderator in the presence of the selectmen. Signatures of moderator and selectmen.

15. Ballots. Amend section 92 of said chapter 26 by striking out the whole of said section and inserting in place thereof the following: **92. Forwarding to Secretary of State.** If any person for whom a ballot was cast and recorded at any biennial election shall make a request in writing to the secretary of state within thirty days of the election, the clerk having the custody of the ballots shall at the request of the secretary of state, forward the ballots forthwith to the secretary of state. The secretary of state may destroy the said ballots after sixty days from the date he has received them unless some action is pending which makes their further preservation necessary or unless enjoined by action brought before the superior court.

16. Recount After Election. Amend section 94 of chapter 26 of the Public Laws as amended by section 1 of chapter 43 of the Laws of 1935, by striking out the word "sixty" in the third line and substituting therefor the word, thirty, so that said section as amended shall read as follows: **94. Application.** If any person for whom a vote was cast and recorded for any office at a biennial election shall, before the expiration of thirty days, apply in writing to the secretary of state for a recount of the ballots given in for all persons for such office and shall state in his application the names of the opposing candidates, the secretary of state shall appoint a time for the recount not earlier than fifteen days after the receipt of the application.

17. Disposition of Ballots. Amend section 98 of chapter 26 of the Public Laws as amended by section 1 of chapter 43 of the Laws of 1935, by adding at the end thereof the following: The secretary of state may destroy the said ballots after sixty days from the date he has received them unless some action is pending which makes their further preservation necessary or unless enjoined by action brought before the superior court, so that said section as amended shall read as follows: **98. Town Officers.** If in case of a recount of

votes for town officers it shall appear that a person was elected other than the person declared by the moderator to have been elected the secretary of state shall declare such person elected and shall after fifteen days from such declaration if no appeal is taken certify such declaration to the town clerk of the town concerned. The town clerk shall record the certificate and shall, within twenty-four hours after such filing cause a copy of such certificate, attested by him, to be delivered to or left at the residence of the person originally declared to have been elected, and to the person who by such certificate appears to be elected. The persons so declared by the secretary of state to have been elected shall, unless the result is changed upon appeal as hereinafter provided, be the duly elected officer of such town. The secretary of state may destroy the said ballots after sixty days from the date he has received them unless some action is pending which makes their further preservation necessary or unless enjoined by action brought before the superior court.

18. Delegates to National Conventions. Amend section 5 of chapter 30 of the Public Laws by striking out the word "eighteen" in the third line and substituting in place thereof the word, thirty; further amend by adding at the end thereof the following: The number of days herein given shall include Sundays and shall end on the day before the primary at six o'clock in the afternoon, so that said section as amended shall read as follows: **5. Declaration of Candidacy.** The name of a candidate shall not be printed upon any such ballot unless not more than sixty nor less than thirty days before the primary he files with the secretary of state a declaration of candidacy, and unless he, or some person for him, shall pay to the secretary of state a filing fee of ten dollars, or file with him a petition containing one hundred names of legal voters requesting that his name be placed on the primary ballot; provided, that vacancies on the primary ballot of any party may be filled as provided in section 7. The number of days herein given shall include Sundays and shall end on the day before the primary at six o'clock in the afternoon.

19. Time for Filling Vacancies. Amend section 7 of chapter 30 of the Public Laws by striking out the word "fifteen" in the fifth line and substituting therefor the word, twenty-seven, so that said section as amended shall read as follows:

7. Vacancies. If there is to be a vacancy upon the primary ballot of any party by reason of the failure of as many persons to file as candidates for delegates, alternate delegates, delegates at large and alternate delegates at large as are to be elected, such vacancies may be filled, after the expiration of the time allowed for filing and twenty-seven days before the primary, by the state committee of that party, without the payment of any fee, and the secretary of state, upon receipt of proper notice, shall cause the names selected by the state committee to be printed upon the primary ballot to fill such vacancies.

20. Takes Effect. This act shall take effect upon its passage.

[Approved May 4, 1937.]

CHAPTER 81.

AN ACT RELATIVE TO BRAKES ON TRAILERS.

SECTION

1. Equipment for motor vehicle trailers.

SECTION

2. Takes effect.

Be it enacted by the Senate and House of Representatives in General Court convened:

1. Equipment for Motor Vehicle Trailers. Amend chapter 103 of the Public Laws by inserting after section 4 the following new section: **4-a.* Brakes.** No motor vehicle trailer whose gross weight is twenty-five hundred pounds or over shall be operated on the highways of this state unless it shall be provided with adequate brakes in good working order.

2. Takes Effect. This act shall take effect upon its passage.

[Approved May 4, 1937.]

* Amended, chapter 194, *post*.

CHAPTER 82.

AN ACT RELATING TO THE WEIGHTS OF MOTOR VEHICLES.

SECTION

1. Motor vehicles, weight limited.

SECTION

2. Takes effect.

Be it enacted by the Senate and House of Representatives in General Court convened:

1. Motor Vehicles, Weight Limited. Amend section 22 of chapter 103 of the Public Laws as amended by section 1 of chapter 77 of the Laws of 1927, as amended by section 1 of chapter 33 of the Laws of 1929, as amended by section 1 of chapter 157 of the Laws of 1933, as amended by chapter 133 of the Laws of 1935, by striking out the whole thereof and by substituting therefor the following: **22. Weight.** No vehicle having two axles whose gross weight, including load, is more than twenty-six thousand pounds, no vehicle having three axles and no combination of vehicle and trailer or semi-trailer, whose gross weight is more than thirty-eight thousand pounds, no vehicle having a greater weight than sixteen thousand pounds on one axle, and no vehicle having a load of over eight hundred pounds per inch width of tire concentrated on the surface of the highway (said width in the case of rubber tires to be measured between the flanges of the rim) shall be operated on the highways of this state; provided that this shall not prohibit the operation of road rollers used in the construction or maintenance of highways. The state highway commissioner and the motor vehicle commissioner shall jointly have the power to grant permits upon proper application in writing to move objects or a vehicle and load having a weight, width or length greater than as herein prescribed, upon such highways and at such seasons of the year as in their opinion will not be detrimental to the preservation of said highways and the public use thereof, provided that said commissioners may require a hearing before granting said permit and that said commissioners may withhold said permit until applicant has filed a bond to cover any possible damage to the highways or to the bridges over which the object to be moved may pass and to fulfill such rules and regulations as are prescribed by said commissioners. This act shall not be construed to limit the powers of the highway commissioner, selectmen of towns

and city councils of cities, to make rules and regulations for the protection and to prevent the abuse of highways and bridges as provided by chapter 117, Laws of 1935, which is an amendment of section 5 of chapter 91, section 12 of chapter 54, and section 15 of chapter 47, of the Public Laws.

2. Takes Effect. This act shall take effect upon its passage.

[Approved May 4, 1937.]

CHAPTER 83.

AN ACT ESTABLISHING COMMISSIONER DISTRICTS IN THE COUNTY OF COOS.

SECTION

1. Commissioner districts established.

SECTION

2. Takes effect.

Be it enacted by the Senate and House of Representatives in General Court convened:

1. Districts Established. Amend chapter 36 of the Public Laws as amended by chapter 142 of the Laws of 1929, chapter 134 of the Laws of 1931 and chapter 43 of the Laws of 1937, by adding after section 21 the following new sections:

22. County Commissioner Districts. For the purpose of the nomination and election of the county commissioners in Coos county said county shall be divided into three districts as follows: District 1, Berlin, Gorham, Milan, Shelburne, Dummer and Randolph; district 2, Lancaster, Whitefield, Carroll, Dalton, Northumberland, Stark and Jefferson; district 3, Colebrook, Stratford, Pittsburg, Stewartstown, Millsfield, Clarksville, Columbia, Errol and Wentworth's Location. **23. Eligibility.**

No person shall be eligible to be a candidate for county commissioner except from the district in which he is a resident.

24. Voting and Election. The inhabitants of said county may vote for not more than one candidate from each district, and the candidate receiving the highest number of votes in any one district shall be elected county commissioner from that district.

2. Takes Effect. This act shall take effect upon its passage.

[Approved May 4, 1937.]

CHAPTER 84.

AN ACT RELATING TO THE POWERS OF TOWNS TO MAKE BY-LAWS.

SECTION

1. Roller skating rinks, regulations of.

SECTION

2. Takes effect.

Be it enacted by the Senate and House of Representatives in General Court convened:

1. Roller Skating Rinks. Amend section 30 of chapter 42 of the Public Laws by inserting after the word "dances" in the fifteenth line thereof the words, to regulate the conduct of roller skating rinks, so that said section as amended shall read as follows: **30. Purposes; Penalties.** Towns may make by-laws for the care, protection, preservation and use of the public cemeteries, parks, commons, libraries and other public institutions of the town; for the prevention of the going at large of horses and other domestic animals in any public place in the town; for the observance of Memorial Day, whereby interference with and disturbance of the exercises held under the auspices of the Grand Army of the Republic for such observance, by processions, sports, games or other holiday exercises, may be prohibited; to regulate the use of mufflers upon boats and vessels propelled by gasoline or naphtha and operating upon the waters within the town limits; respecting the kindling, guarding and safe-keeping of fires, and for removing all combustible materials from any building or place, as the safety of property in the town may require; to regulate the operation of vehicles, except by railways as common carriers, upon their streets; to regulate the conduct of public dances; to regulate the conduct of roller skating rinks; and for making and ordering their prudential affairs. They may appoint all such officers as may be necessary to carry the by-laws into effect, and may enforce their observance by suitable penalties not exceeding ten dollars for each offense, to enure to such uses as they may direct.

2. Takes Effect. This act shall take effect upon its passage.

[Approved May 4, 1937.]

CHAPTER 85.

AN ACT RELATING TO AN APPEAL FROM SUSPENSION OR REVOCATION OF LICENSE TO OPERATE MOTOR VEHICLES.

SECTION

1. Appeal from suspension of
license to operate motor
vehicles.

SECTION

2. Takes effect.

*Be it enacted by the Senate and House of Representatives in
General Court convened:*

1. Licenses to Operate Motor Vehicles. Amend chapter 102 of the Public Laws by inserting after section 31 the following new section: **31-a. Appeal from Suspension.** Any person whose license to operate a motor vehicle has been suspended or revoked, or who has been denied such a license, by the motor vehicle commissioner, except where such suspension or revocation is mandatory under the provisions of this title, shall have the right to file a petition, within thirty days thereafter, for a hearing in the matter in the superior court in the county wherein such person resides and such court is hereby vested with jurisdiction and it shall be its duty to set the matter for hearing upon fourteen days' written notice to the commissioner, and thereupon to take testimony and examine into the facts of the case and to determine whether the petitioner is entitled to a license or is subject to suspension or revocation of license under the provisions of this title.

2. Takes Effect. This act shall take effect upon its passage.

[Approved May 4, 1937.]

CHAPTER 86.

AN ACT RELATING TO THE TERMS OF OFFICE OF THE MEMBERS OF
THE MAINE-NEW HAMPSHIRE INTERSTATE BRIDGE
AUTHORITY.

SECTION

1. Appointment of interstate bridge authority.
2. Term of office; vacancies; removal.

SECTION

3. Compensation of members.
4. Takes effect.

Be it enacted by the Senate and House of Representatives in General Court convened:

1. Appointment of Interstate Bridge Authority. In accordance with the provisions of chapter 4 of the Laws of the special session of 1936, the governor, with the advice and consent of the council, shall appoint the New Hampshire members of the Maine-New Hampshire Interstate Bridge Authority. No more than two of said members shall belong to the same political party.

2. Term of Office; Vacancies; Removal. Said members other than the highway commissioner shall hold office for terms of two and four years respectively, the length of the term of each to be fixed in his commission and each shall continue in office until his successor has been appointed and qualified. On the expiration of each of said terms the succeeding member shall be appointed for a term of four years. If a vacancy shall occur it shall be filled for the remainder of the term. Either member may be removed by the governor and council for cause.

3. Compensation of Members. Said members of said Authority for this state, other than the highway commissioner, shall be paid, for such time as they are actually engaged in the work of the Authority, such sum per day as the governor and council may determine, provided such sum shall not exceed eight dollars a day each. All members shall be allowed their actual expenses. The compensation and expenses provided for herein shall be a charge upon the funds of the Authority.

4. Takes Effect. This act shall take effect upon its passage.

[Approved May 4, 1937.]

CHAPTER 87.

AN ACT RELATING TO TEMPORARY SALES AND SOLICITATIONS FOR
RELIGIOUS AND BENEVOLENT PURPOSES.

SECTION

1. Right to solicit and sell.
2. Exemptions.

SECTION

3. Penalty.
4. Takes effect.

*Be it enacted by the Senate and House of Representatives in
General Court convened:*

1. Right to Solicit and Sell. The director of the division of welfare of the state board of welfare and relief, upon application and after investigation, may authorize the temporary solicitation of money or other valuable thing and the temporary sale of articles for *bona fide* religious, benevolent and philanthropic purposes, and may issue certificates of such authority. Except as provided in this act any such unauthorized sales or solicitations shall be *prima facie* fraudulent, and said director shall have authority to make public the facts and names concerning such unauthorized sales and solicitations, and to institute prosecutions against offenders for obtaining money under false pretenses.

2. Exemptions. Any such sales or solicitations for the benefit of persons, or organizations having a permanent residence or place of business in this state, and any such sales or solicitations legally permitted by any state or local authority under section 70, chapter 42, Public Laws or under chapter 157 of the Public Laws as amended by chapter 102, Laws of 1931, chapter 1, Laws of the special session of 1934, and chapter 86, Laws of 1935, are excepted from the provisions of this act.

3. Penalty. Any person violating the provisions of this act shall be fined not more than twenty-five dollars or imprisoned not more than six months.

4. Takes Effect. This act shall take effect upon its passage.

[Approved May 4, 1937.]

CHAPTER 88.

AN ACT RELATIVE TO EXAMINATIONS FOR THE PRACTICE OF
EMBALMING.

SECTION

1. Practice of embalming.

SECTION

2. Takes effect.

*Be it enacted by the Senate and House of Representatives in
General Court convened:*

1. Practice of Embalming. Amend section 61 of chapter 143 of the Public Laws, as inserted by chapter 95 of the Laws of 1935 by striking out all of said section and inserting in place thereof the following: **61. Exceptions.** Nothing in this act shall be held to apply to applications for examination pending before the board of embalming examiners on the twenty-ninth day of May, 1935, nor to applications filed with the state board of registration of funeral directors and embalmers before the first day of July, 1937, by persons who were entitled to file applications for examination with said board of embalming examiners prior to the passage of chapter 95 of the Laws of 1935. The board shall pass upon said applications according to the law existing at the time of the passage of said chapter 95.

2. Takes Effect. This act shall take effect upon its passage.

[Approved May 5, 1937.]

CHAPTER 89.

AN ACT RELATING TO BUSINESS CORPORATIONS.

SECTION

1. Capital stock.

SECTION

2. Takes effect.

*Be it enacted by the Senate and House of Representatives in
General Court convened:*

1. Capital Stock. Amend section 27 of chapter 225 of the Public Laws by striking out the word "five" in the next to the last line thereof and substituting in place thereof the words one dollar, so that said section as amended shall read as follows: **27. Amount; Par Value.** If the corporation issues stock with nominal or par value the amount thereof shall not

be less than one thousand dollars, and the par value of the shares shall not be less than one dollar nor more than one thousand dollars.

2. Takes Effect. This act shall take effect upon its passage.

[Approved May 6, 1937.]

CHAPTER 90.

AN ACT RELATING TO LICENSES FOR BONDED WAREHOUSES.

SECTION

1. Public warehouseman.
2. License required.

SECTION

3. Takes effect.

Be it enacted by the Senate and House of Representatives in General Court convened:

1. Public Warehouseman. Amend section 1 of chapter 169 of the Public Laws by striking out the entire section and substituting therefor the following: **1. Licenses.** Any person, or corporation established under the laws of the state and having a place of business within the state, who keeps and maintains a warehouse for the storage of goods, wares and merchandise of persons or corporations other than himself for hire shall be a public warehouseman. Any public warehouseman shall be required to obtain an annual license from the secretary of state. The fee for such license shall be twenty-five dollars.

2. License Required. Amend chapter 169 of the Public Laws by inserting after section 1, as hereinbefore amended, the following new section: **1-a. Penalty.** Whoever violates any provision of section 1 of this chapter shall be fined not more than two hundred dollars or imprisoned not more than six months, or both.

3. Takes Effect. This act shall take effect upon its passage.

[Approved May 6, 1937.]

CHAPTER 91.

AN ACT AUTHORIZING THE SALE OF CERTAIN PROPERTY OF THE
STATE IN THE TOWNS OF NEW LONDON AND MILAN.

SECTION

1. Authority conferred for sale of
property.

SECTION

2. Takes effect.

*Be it enacted by the Senate and House of Representatives in
General Court convened:*

1. Authority Conferred. The governor and council on behalf of the state of New Hampshire are hereby authorized and empowered to sell and convey, for such consideration as they deem sufficient, all right, title and interest which said state of New Hampshire has acquired by escheat in and to the following described premises, to wit: Farm of ninety acres more or less with buildings thereon in the town of Milan formerly belonging to Lyman E. Richardson, who died August 1, 1933; and premises at New London formerly belonging to John F. Sullivan who died August 23, 1928. The governor and council may, in their discretion, sell and convey, as hereinbefore provided, the whole of said tracts or any portion thereof. The proceeds from the sales herein authorized shall be turned into the state treasury to be available for the general revenue of the state.

2. Takes Effect. This act shall take effect upon its passage.

[Approved May 6, 1937.]

CHAPTER 92.

AN ACT RELATIVE TO THE ANNUAL REGISTRATION FEE FOR THE
PRACTICE OF OPTOMETRY.

SECTION

1. Registration as optometrist.

SECTION

2. Takes effect.

*Be it enacted by the Senate and House of Representatives in
General Court convened:*

1. Registration as Optometrist. Amend section 6 of chapter 207 of the Public Laws by striking out the word "two" in the tenth line and inserting in place thereof the word five, so that said section as amended shall read as follows:

6. Fees. Each person appearing before the board for a certificate of reciprocity, or for examination for a certificate of qualification, shall pay a fee of twenty dollars which, in case such examination shall not be granted, shall be returned. Any person failing to pass a satisfactory examination shall be entitled to re-examination at any future meeting of the board within two years without further fee; after two years the charge will be five dollars for each subsequent examination. The fee for reissuing a certificate of exemption, of reciprocity or of qualification, in place of one destroyed, shall be three dollars; for annual registration as hereinafter provided, five dollars; for any certificate of fact required by a student apprentice or other person, one dollar.

2. Takes Effect. This act shall take effect July 1, 1937.

[Approved May 6, 1937.]

CHAPTER 93.

AN ACT RELATING TO SUPPRESSION OF INSECT PESTS AND PLANT DISEASES.

SECTION

1. New Chapter:
 1. Deputy commissioner.
 2. Suppression of pests.
 3. Penalty.
 4. Suppression by cities and towns.

SECTION

5. Forfeiture.
6. Suppression by property owners.
7. Assessments.
2. Interpretation; takes effect.

Be it enacted by the Senate and House of Representatives in General Court convened:

1. New Chapter. Amend chapter 190 of the Public Laws as amended by chapter 52 of the Laws of 1931 by striking out the whole chapter and inserting in place thereof the following:

CHAPTER 190

SUPPRESSION OF INSECT PESTS AND PLANT DISEASES

1. Deputy Commissioner. The commissioner of agriculture shall appoint a deputy commissioner who shall be fully qualified by scientific training and experience and who, under the direction of the commissioner, shall be in charge of the suppression of pests as provided for in this act. The salary of

said deputy commissioner shall not exceed sixteen hundred dollars a year and said deputy shall be allowed his actual expenses when on official duties elsewhere than in the office of the department. Said deputy, with the approval of the commissioner, may appoint such agents or assistants as he may find necessary for the purposes of this act.

2. Suppression of Pests. The commissioner and the deputy commissioner may undertake the suppression or control of any insect pest or plant disease which, in their judgment, seriously threatens the state or any part thereof and for that purpose may establish rules and regulations and may employ such measures as, in their judgment, may be reasonable and proper. For the purposes of this act it shall be lawful for the commissioner, the deputy commissioner or any agent or assistant, appointed under the provisions hereof, to enter upon any lands in this state.

3. Penalty. Any person who resists or obstructs any agent of the state while lawfully engaged in the execution of this act, or who violates any rule or regulation made by the commissioner and deputy commissioner under the provisions hereof, or who wilfully brings into the state, disseminates, or propagates any destructive insect pest or plant disease, shall be fined not more than one hundred dollars.

4. Suppression by Cities or Towns. For the purposes of this act the commissioner and the deputy commissioner may require any city or town to take such measures as, in their judgment, are reasonable and proper, up to a cost not exceeding, in any one year, one tenth of one per cent of the tax valuation of said city or town for the preceding year. If a city or town shall fail to execute the prescribed measures the commissioner and deputy commissioner may cause the work to be done and the expense thereof, not exceeding said one tenth of one per cent of the tax valuation aforesaid, may be recovered of said city or town in an action by the state.

5. Forfeiture. In addition thereto, any city or town failing to take such measures as the commissioner and the deputy commissioner may require, as hereinbefore provided, shall forfeit the sum of one hundred dollars, to be collected by an information brought by the attorney-general in the county in which said city or town is located.

6. Suppression by Property Owners. For the purposes of

this act the commissioner and the deputy commissioner may require the owner of any parcel of land which is infested with any destructive insect pest or plant disease to take such measures as, in their judgment, are reasonable and proper, up to a cost not exceeding, in any one year, one half of one per cent of the assessed valuation of said land, including buildings and improvements thereon, as fixed by the last preceding tax appraisal. If the owner of such lands shall fail to execute the prescribed measures the commissioner and the deputy commissioner may cause the work to be done, either directly or through the city or town in which the land is situated, and the expense thereof, not exceeding one half of one per cent of the assessed valuation of said land as hereinbefore specified, shall be assessed upon said lands and improvements.

7. Assessments. The amounts to be assessed upon private property as hereinbefore provided shall be assessed and collected like ordinary taxes at the next general tax assessment following their expenditure, and shall be a lien on said land, including buildings and improvements thereon, in the same manner and with the same effect as is provided in the case of other taxes, and shall be subject to the provisions relative to abatement and appeal.

2. Interpretation; Takes Effect. Nothing in this act shall be construed to affect the provisions of chapter 195 of the Public Laws and amendments thereto, relating to the control and eradication of the white pine blister rust, and this act shall take effect upon its passage.

[Approved May 6, 1937.]

CHAPTER 94.

AN ACT RELATING TO WAGES.

SECTION

1. Payment of wages.

SECTION

2. Takes effect.

Be it enacted by the Senate and House of Representatives in General Court convened:

1. Payment of Wages. Amend the subdivision in chapter 176 of the Public Laws relating to the payment of wages by inserting after section 27 the following new section:
27-a. Rights of Employees. Any employer of labor, as de-

fined in section 25, as amended by chapter 69, Laws of 1935, before any new employee begins work shall inform such prospective employee the amount of wages he is to receive, if employed, and any such employer before the wages of any person then employed shall be changed shall inform such employee the amount of wages he is to receive by such change. If wages are to be paid by the hour, piece or percentage basis, such employer shall inform such employee of the rate to be paid, provided that in the case of wage incentive plans such employee shall be informed of the approximate minimum rates and the methods upon which supplementary wages are to be based.

2. Takes Effect. This act shall take effect upon its passage.

[Approved May 6, 1937.]

CHAPTER 95.

AN ACT RELATING TO DAYLIGHT SAVING TIME.

SECTION

1. Daylight saving time.

SECTION

2. Takes effect.

Be it enacted by the Senate and House of Representatives in General Court convened:

1. Daylight Saving Time. Amend section 76 of chapter 42 of the Public Laws by striking out said section and inserting in place thereof the following: **76. Standard Time.** The standard time within the state, except as hereinafter provided, shall be based on the mean astronomical time of the seventy-fifth degree of longitude west from Greenwich, known and designated by the federal statute as "United States Standard Eastern Time." At two o'clock ante-meridian of the last Sunday in April of each year, the standard time in this state shall be advanced one hour, and at two o'clock ante-meridian of the last Sunday in September of each year the standard time in this state shall, by the retarding of one hour, be made to coincide with the astronomical time hereinbefore described as United States Standard Eastern Time, so that between the last Sunday of April at two o'clock ante-meridian and the last Sunday in September at two o'clock ante-meridian in each year the standard time in this state shall be one hour in advance

of the United States Standard Time. In all laws, statutes, orders, decrees, rules and regulations relating to the time of performance of any act by any officer or department of this state, or of any county, city, town or district thereof, or relating to the time in which any rights shall accrue or determine, or within which any act shall or shall not be performed by any person subject to the jurisdiction of this state, or of any county, city, town or district thereof, and in all contracts or choses in action made or to be performed in this state, it shall be understood and intended that the time shall be as set forth in this section.

2. Takes Effect. This act shall take effect upon its passage.

[Approved May 11, 1937.]

CHAPTER 96.

AN ACT RELATING TO THE OPEN AND CLOSED SEASON FOR TAKING FISH IN CERTAIN WATERS.

SECTION

1. Pickerel.
2. Amendment.
3. Closed to ice fishing.

SECTION

4. Closed to all fishing.
5. Brook trout.
6. Takes effect.

Be it enacted by the Senate and House of Representatives in General Court convened:

1. Pickerel. Amend section 4 of chapter 155 of the Laws of 1935 by striking out the same and inserting in place thereof the following: **4. Pickerel.** Pickerel of any size and in any quantity may be taken and possessed at any time from the following waters:

I. Armington lake in Piermont, Cocheco river, Contoocook river from Cheshire Mill pond to Merrimack river, Crystal lake in Enfield.

II. Dodge pond in Lyman, Elbow pond in Woodstock, Ellsworth pond in Ellsworth, Flag pond in Lyman, Lamprey pond in Orford.

III. Mason pond in Orford, Merrymeeting lake in New Durnham, Middleton reservoir in Middleton, Mirror lake in Tuf-tonboro and Wolfeboro, Mirror lake in Woodstock.

IV. Newfound lake, Nubanusit lake in Hancock and Nel-

son, Ogontz lake in Lyman, Pea Porridge pond in Madison and Conway, Pearl lake in Lisbon.

V. Pemigewasset river, Post pond in Lyme, Rocky pond in Wentworth, Round pond in Lyman, Rust pond in Wolfeboro.

VI. Silver lake in Madison, Sunapee lake, Tarleton lake in Piermont and Warren, Tewksbury pond in Grafton, Town Line pond in Dorchester and Wentworth, Trout pond in Dorchester, Winnepesaukee river and all waters of Coos county inhabited by trout and all other streams in the state inhabited by trout.

2. **Amendment.** Amend chapter 155 of the Laws of 1935 by inserting after section 4 the following new section:

4-a. **Pickerel.** Pickerel of any size and in any quantity may be taken and possessed at any time, except through the ice from the following waters:

I. Lucas pond in Northwood, Martin Meadow pond in Lancaster, Pleasant lake in Deerfield.

II. Powwow river, Spectacle pond in Groton and Hebron, Stinson lake in Rumney.

3. **Ice Fishing.** Amend section 5 of chapter 155 of the Laws of 1935 by striking out the same and inserting in place thereof the following: 5. **Closed to Ice Fishing.** The following waters are closed to fishing through the ice:

I. Arlington Mills reservoir, Big Dan Hole pond in Ossi-pee and Tuftonboro, Ferrin pond in Weare, Gorham pond in Dunbarton.

II. Great pond in Kingston, Island pond in Stoddard, Little Island pond in Pelham, Long pond or Highland lake in Stoddard, Massasecum lake in Bradford.

III. Mirror lake in Whitefield, Mount William pond in Weare, Mountain View lake in Sunapee, Nippo pond in Barrington.

IV. Northwood lake in Northwood and Epsom, Nutt pond in Manchester, Partridge lake in Lyman and Littleton, Pleasant lake in New London, Robs reservoir in Stoddard.

V. Scott pond in Fitzwilliam, Stone House pond in Barrington, Streeter pond in Lisbon, Sunset lake in Greenfield, Tucker pond in Salisbury.

VI. Warren lake in Alstead, White's pond in Pelham, Winnipauket lake in Webster, Zephyr lake in Greenfield.

VII. Corbetts pond in Windham until May first, 1941.

4.* Amendment. Amend section 7 of chapter 155 of the Laws of 1935 by striking out the whole of said section and inserting in place thereof the following: **7. Closed to All Fishing.** The following waters are closed to all fishing:

I. Alder brook, a tributary of Stearns brook, in Milan and Success, Amos Pike or Starch Factory brook, from its source to the highway leading from the state road to the French pond road and all tributaries of Long pond in Benton and the area of said Long pond one hundred feet from the inlet out into the pond and fifty feet on each side of said inlet.

II. Big brook, in Pittsburg, east of the road leading to Idlewild to the Connecticut river, the tributaries of Big Dan Hole pond in Ossipee and Tuftonboro, the tributaries of Bowen brook in Landaff and Easton, Center brook from the main highway at Moody pond up-stream to its source and all tributaries.

III. Cockermouth river in the towns of Hebron and Groton from the bridge at Sculpture Rocks, so called, to the shore line of Newfound lake, Connecticut river, in Pittsburg, the main river from the highest point of the Big Pitch to the First Connecticut lake level, all tributaries of Dead Diamond river in Dartmouth College Grant.

IV. Fowler river, between Ted Lard's dam in Alexandria and the covered bridge on the highway around Newfound lake, North Branch of the Gale river and all tributaries above Littleton water supply dam in Bethlehem and Franconia, all tributaries of Lamb Valley pond in Dartmouth College Grant.

V. Lime Kiln brook and its tributaries above the number 6 schoolhouse, in Haverhill, all tributaries of Marshall pond in Unity, Melvin river in Tuftonboro, all tributaries of Merry-meeting lake in New Durham, all tributaries of Morse brook in Easton.

VI. Oliverian brook in Benton and Warren and its tributaries from its source to where it crossed the state highway leading from Warren to Haverhill, all tributaries of Peabody river in Green's Grant except the West Branch and Nineteen-mile brook.

VII. Pillsbury Reservation, in Washington and all brooks therein, all tributaries of Pleasant lake in New London and that portion of Pleasant lake which forms a cove into which Chandler brook flows out to a line between two markers

* Amended, chapter 188, *post*.

approximately one hundred yards north from Chandler brook.

VIII. Sand Hill brook in Auburn, Derry and Londonderry, Smith brook in Pittsburg from the dam to the main river, Spring pond brook in Bennington, streams between Tioga, Sargent and Badger reservoirs in Belmont, all tributaries of Swift Diamond river in Dartmouth College Grant, all tributaries of Taggart brook in Peterborough.

IX. Three pond brook in Rumney, Trout brook, the inlet of Post pond in Lyme, up-stream from the pond for a distance of approximately two miles to the falls, all tributaries of Tunnel stream in Benton and its tributaries above the Parker House.

5. Brook Trout. Amend chapter 201 of the Public Laws as amended by section 5 of chapter 124 of the Laws of 1935 by inserting after section 1 the following new section: **1-a. Open Season in Certain Ponds.** In Big Dan Hole pond in Ossipee and Tuftonboro, Pleasant lake in New London, Tewksbury pond in Grafton, and in Sunapee lake brook trout ten inches and over may be taken from April fifteenth to September first and during the month of September by the use of artificial flies only.

6. Takes Effect. This act shall take effect upon its passage.

[Approved May 11, 1937.]

CHAPTER 97.

AN ACT RELATIVE TO THE LAYING-OUT OF HIGHWAYS.

SECTION

1. Layout by selectmen.
2. Layout to public waters.
3. Construction and maintenance.

SECTION

4. Changes in routes of certain highways.
5. Takes effect.

Be it enacted by the Senate and House of Representatives in General Court convened:

1. Layout by Selectmen. Amend section 17 of chapter 74 of the Public Laws by striking out the words "within thirty days" in the first line, so that said section as amended shall read as follows: **17. Return.** The selectmen shall make a return of every highway by them laid out, describing the same and the width thereof, and a like return of the alterations by them made in existing highways, with a particular descrip-

tion thereof, and cause the same to be recorded by the town clerk.

2. Layout to Public Waters. Amend section 4 of chapter 77 of the Public Laws by striking out the words "as in other cases" in the third line and inserting in place thereof the words, as provided in the three preceding chapters, so that said section as amended shall read as follows: **4. Damages; Appeal.** The commissioners shall assess the damages sustained by each owner of land or property taken for such highway; and an appeal may be taken from their decision as provided in the three preceding chapters.

3. Construction and Maintenance. Amend section 6 of chapter 77 of the Public Laws by striking out the whole of said section and inserting in place thereof the following: **6. Payment.** The state shall pay such portion of the services of the commissioners, the sums awarded to owners of land and costs of construction of the highway as the governor with the advice of the council shall deem just and reasonable. All sums so determined shall be a charge upon the highway funds. The balance of said costs and charges shall be paid by the town or towns in which said highway is laid out. Said highway shall be maintained by said town or towns unless the governor and council shall otherwise determine.

4. Highway Commissioner. Amend section 3 of chapter 84 of the Public Laws, as amended by section 2 of chapter 139 of the Laws of 1931, by striking out the whole of said section and inserting in place thereof the following: **3. Changes in Routes of Certain Highways.** He is authorized to recommend to the governor and council such changes in the routes of existing highways, upon which state or federal money is to be expended, as he shall think expedient. The making of changes in the routes of such highways and the taking of land necessary for such purpose may be by proceedings as for the laying-out highways to public waters.

5. Takes Effect. This act shall take effect upon its passage.

[Approved May 11, 1937.]

CHAPTER 98.

AN ACT RELATING TO CARETAKERS ON RECREATIONAL AREAS, ON
STATE LANDS.

SECTION		SECTION
1. Caretakers on recreational areas.	|	2. Takes effect.

Be it enacted by the Senate and House of Representatives in General Court convened:

1. Caretakers on Recreational Areas. Amend chapter 191 of the Public Laws by inserting after section 33 the following new section: **33-a. Powers of Arrest.** Any agent or caretaker appointed by the state forester for the protection of property on any state forest, reservation or recreational area or on any federal area under the administration of the forestry and recreation commission shall have, on said areas, the same powers as a constable.

2. Takes Effect. This act shall take effect upon its passage.

[Approved May 11, 1937.]

CHAPTER 99.

AN ACT RELATING TO THE MANAGEMENT BY THE FORESTRY AND
RECREATION COMMISSION OF CERTAIN FOREST LANDS
ACQUIRED BY THE FEDERAL GOVERNMENT.

SECTION		SECTION
1. Forestry and recreation commission.	|	2. Takes effect.

Be it enacted by the Senate and House of Representatives in General Court convened:

1. Forestry and Recreation Commission. If any lands of this state shall hereafter be acquired by the federal government and placed under the jurisdiction of the forestry and recreation commission, in accordance with an agreement entered into by the governor and council and the federal government pursuant to the so-called Fulmer Act (H. R. 6914), or any other similar act, the forestry and recreation commission shall administer, manage and develop said lands in accordance with the terms of such agreement and distribute the proceeds

from said lands in accordance with the terms thereof. The provisions of law relative to the disposition of revenue received from state lands shall not apply to the revenue received from such lands.

2. Takes Effect. This act shall take effect upon its passage.

[Approved May 11, 1937.]

CHAPTER 100.

AN ACT RELATING TO THE COMPENSATION OF THE COUNTY TREASURERS.

SECTION

1. County treasurers.

SECTION

2. Takes effect.

Be it enacted by the Senate and House of Representatives in General Court convened:

1. County Treasurers. Amend section 12, chapter 39 of the Public Laws as amended by chapter 104 of the Laws of 1935 by striking out the whole of said section and inserting in place thereof the following: **12. Salaries and Expenses.** The annual salaries of the treasurers of the several counties, to be in full for their services and allowances of every kind, except as hereinafter provided, shall be as follows:

In Rockingham, eight hundred dollars.

In Strafford, four hundred dollars.

In Belknap, three hundred dollars.

In Carroll, four hundred dollars,

In Merrimack, four hundred dollars.

In Hillsborough, twelve hundred dollars.

In Cheshire, two hundred dollars.

In Sullivan, two hundred dollars.

In Grafton, three hundred dollars.

In Coos, four hundred dollars.

To the foregoing sums shall be added a reasonable sum for all necessary expenses upon order of the county commissioners.

2. Takes Effect. This act shall take effect upon its passage.

[Approved May 11, 1937.]

CHAPTER 101.

AN ACT RELATING TO LIMITED PARTNERSHIPS.

SECTION

1. Limited partnership defined.
2. Formation.
3. Business which may be carried on.
4. Character of limited partner's contribution.
5. A name not to contain surname of limited partner; exceptions.
6. Liability for false statements in certificate.
7. Limited partner not liable to creditors.
8. Admission of additional limited partners.
9. Rights, powers and liabilities of a general partner.
10. Rights of a limited partner.
11. Status of person erroneously believing himself a limited partner.
12. One person both general and limited partner.
13. Loans and other business transactions with limited partner.
14. Relation of limited partners *inter se*.
15. Compensation of limited partner.

SECTION

16. Withdrawal or reduction of limited partner's contribution.
17. Liability of limited partner to partnership.
18. Nature of limited partner's interest in partnership.
19. Assignment of limited partner's interest.
20. Effect of retirement, death or insanity of a general partner.
21. Death of limited partner.
22. Rights of creditors of limited partner.
23. Distribution of assets.
24. Certificate cancelled or amended.
25. Requirements for amendment and cancellation.
26. Parties to action.
27. Title.
28. Construction.
29. Rules for cases not provided for in this act.
30. Partnerships organized elsewhere.
31. Act repealed.
32. Takes effect.

Be it enacted by the Senate and House of Representatives in General Court convened:

1. Limited Partnership Defined. A limited partnership is a partnership formed by two or more persons under the provisions of section 2, having as members one or more general partners and one or more limited partners. The limited partners as such shall not be bound by the obligations of the partnership.

2. Formation. (1) Two or more persons desiring to form a limited partnership shall

(a) Sign and swear to a certificate, which shall state

- I. The name of the partnership,
 - II. The character of the business,
 - III. The location of the principal place of business,
 - IV. The name and place of residence of each member;
- general and limited partners being respectively designated,

V. The term for which the partnership is to exist,

VI. The amount of cash and a description of and the agreed value of the other property contributed by each limited partner,

VII. The additional contributions, if any, agreed to be made by each limited partner and the times at which or events on the happening of which they shall be made,

VIII. The time, if agreed upon, when the contribution of each limited partner is to be returned,

IX. The share of the profits or the other compensation by way of income which each limited partner shall receive by reason of his contribution,

X. The right, if given, of a limited partner to substitute an assignee as contributor in his place, and the terms and conditions of the substitution,

XI. The right, if given, of the partners to admit additional limited partners,

XII. The right, if given, of one or more of the limited partners to priority over other limited partners, as to contributions or as to compensation by way of income, and the nature of such priority,

XIII. The right, if given, of the remaining general partner or partners to continue the business on the death, retirement or insanity of a general partner, and,

XIV. The right, if given, of a limited partner to demand and receive property other than cash in return for his contribution.

(b) File for record the certificate in the office of the secretary of state.

(2) A limited partnership is formed if there has been substantial compliance in good faith with the requirements of paragraph (1).

3. Business Which May be Carried on. A limited partnership may carry on any business which a partnership without limited partners may carry on.

4. Character of Limited Partner's Contribution. The contributions of a limited partner may be cash or other property, but not services.

5. A Name Not to Contain Surname of Limited Partner; Exceptions. (1) The surname of a limited partner shall not appear in the partnership name, unless (a) it is also the sur-

name of a general partner, or (b) prior to the time when the limited partner became such the business had been carried on under a name in which his surname appeared.

(2) A limited partner whose name appears in a partnership name contrary to the provisions of paragraph (1) is liable as a general partner to partnership creditors who extend credit to the partnership without actual knowledge that he is not a general partner.

6. Liability for False Statements in Certificate. If the certificate contains a false statement, one who suffers loss by reliance on such statement may hold liable any party to the certificate who knew the statement to be false, (a) at the time he signed the certificate, or (b) subsequently, but within a sufficient time before the statement was relied upon to enable him to cancel or amend the certificate, or to file a petition for its cancellation or amendment as provided in section 25 (3).

7. Limited Partner Not Liable to Creditors. A limited partner shall not become liable as a general partner unless, in addition to the exercise of his rights and powers as a limited partner, he takes part in the control of the business.

8. Admission of Additional Limited Partners. After the formation of a limited partnership, additional limited partners may be admitted upon filing an amendment to the original certificate in accordance with the requirements of section 25.

9. Rights, Powers and Liabilities of a General Partner. (1) A general partner shall have all the rights and powers and be subject to all the restrictions and liabilities of a partner in a partnership without limited partners, except that without the written consent or ratification of the specific act by all the limited partners, a general partner or all of the general partners have no authority to (a) do any act in contravention of the certificate, (b) do any act which would make it impossible to carry on the ordinary business of the partnership, (c) confess a judgment against the partnership, (d) possess partnership property, or assign their rights in specific partnership property, for other than a partnership purpose, (e) admit a person as a general partner, (f) admit a person as a limited partner, unless the right so to do is given in the certificate, (g) continue the business with partnership property on the death, retirement or insanity of a general partner, unless the right so to do is given in the certificate.

10. Rights of a Limited Partner. (1) A limited partner shall have the same rights as a general partner to (a) have the partnership books kept at the principal place of business of the partnership, and at all times to inspect and copy any of them, (b) have on demand true and full information of all things affecting the partnership, and a formal account of partnership affairs whenever circumstances render it just and reasonable, and (c) have dissolution and winding up by decree of court.

(2) A limited partner shall have the right to receive a share of the profits or other compensation by way of income, and to the return of his contribution as provided in sections 15 and 16.

11. Status of Person Erroneously Believing Himself a Limited Partner. A person who has contributed to the capital of a business conducted by a person or partnership erroneously believing that he has become a limited partner in a limited partnership, is not, by reason of his exercise of the rights of a limited partner, a general partner with the person or in the partnership carrying on the business, or bound by the obligations of such person or partnership; provided that on ascertaining the mistake he promptly renounces his interest in the profits of the business, or other compensation by way of income.

12. One Person Both General and Limited Partner. (1) A person may be a general partner and a limited partner in the same partnership at the same time.

(2) A person who is a general, and also at the same time a limited partner, shall have all the rights and powers and be subject to all the restrictions of a general partner; except that, in respect to his contribution, he shall have the rights against the other members which he would have had if he were not also a general partner.

13. Loans and Other Business Transactions with Limited Partner. (1) A limited partner also may loan money to and transact other business with the partnership, and, unless he is also a general partner, receive on account of resulting claims against the partnership, with general creditors, *pro rata* share of the assets. No limited partner shall in respect to any such claim (a) receive or hold as collateral security any partnership property, or (b) receive from a general partner or the

partnership any payment, conveyance, or release from liability, if at the time the assets of the partnership are not sufficient to discharge partnership liabilities to persons not claiming as general or limited partners.

(2) The receiving of collateral security, or a payment, conveyance, or release in violation of the provisions of paragraph (1) is a fraud on the creditors of the partnership.

14. Relation of Limited Partners *inter se*. Where there are several limited partners the members may agree that one or more of the limited partners shall have a priority over other limited partners as to the return of their contributions, as to their compensation by way of income, or as to any other matter. If such an agreement is made it shall be stated in the certificate, and in the absence of such a statement all the limited partners shall stand upon equal footing.

15. Compensation of Limited Partner. A limited partner may receive from the partnership the share of the profits or the compensation by way of income stipulated for in the certificate; provided, that after such payment is made, whether from the property of the partnership or that of a general partner, the partnership assets are in excess of all liabilities of the partnership except liabilities to limited partners on account of their contributions and to general partners.

16. Withdrawal or Reduction of Limited Partner's Contribution. (1) A limited partner shall not receive from a general partner or out of partnership property any part of his contribution until (a) all liabilities of the partnership, except liabilities to general partners and to limited partners on account of their contributions, have been paid or there remains property of the partnership sufficient to pay them, (b) the consent of all members is had, unless the return of the contribution may be rightfully demanded under the provisions of paragraph (2), and (c) the certificate is cancelled or so amended as to set forth the withdrawal or reduction.

(2) Subject to the provisions of paragraph (1) a limited partner may rightfully demand the return of his contribution (a) on the dissolution of a partnership, or (b) when the date specified in the certificate for its return has arrived, or (c) after he has given six months' notice in writing to all other members, if no time is specified in the certificate either for the

return of the contribution or for the dissolution of the partnership.

(3) In the absence of any statement in the certificate to the contrary or the consent of all members, a limited partner, irrespective of the nature of his contribution, has only the right to demand and receive cash in return for his contribution.

(4) A limited partner may have the partnership dissolved and its affairs wound up when (a) he rightfully but unsuccessfully demands the return of his contribution, or (b) the other liabilities of the partnership have not been paid, or the partnership property is insufficient for their payment as required by paragraph (1) (a) and the limited partner would otherwise be entitled to the return of his contribution.

17. Liability of Limited Partner to Partnership. (1) A limited partner is liable to the partnership (a) for the difference between his contribution as actually made and that stated in the certificate as having been made, and (b) for any unpaid contribution which he agreed in the certificate to make in the future at the time and on the conditions stated in the certificate.

(2) A limited partner holds as trustee for the partnership (a) specific property stated in the certificate as contributed by him, but which was not contributed or which has been wrongfully returned, and (b) money or other property wrongfully paid or conveyed to him on account of his contribution.

(3) The liabilities of a limited partner as set forth in this section can be waived or compromised only by the consent of all members; but a waiver or compromise shall not affect the right of a creditor of a partnership who extended credit or whose claim arose after the filing and before a cancellation or amendment of the certificate, to enforce such liabilities.

(4) When a contributor has rightfully received the return in whole or in part of the capital of his contribution, he is nevertheless liable to the partnership for any sum, not in excess of such return with interest, necessary to discharge its liabilities to all creditors who extended credit or whose claims arose before such return.

18. Nature of Limited Partner's Interest in Partnership. A limited partner's interest in the partnership is personal property.

19. Assignment of Limited Partner's Interest. (1) A limited partner's interest is assignable.

(2) A substituted limited partner is a person admitted to all the rights of a limited partner who has died or has assigned his interest in a partnership.

(3) An assignee, who does not become a substituted limited partner, has no right to require any information or account of the partnership transactions or to inspect the partnership books; he is only entitled to receive the share of the profits or other compensation by way of income, or the return of his contribution, to which his assignor would otherwise be entitled.

(4) An assignee shall have the right to become a substituted limited partner if all the members (except the assignor) consent thereto or if the assignor, being thereunto empowered by the certificate, gives the assignee that right.

(5) An assignee becomes a substituted limited partner when the certificate is appropriately amended in accordance with section 25.

(6) The substituted limited partner has all the rights and powers, and is subject to all the restrictions and liabilities of his assignor, except those liabilities of which he was ignorant at the time he became a limited partner and which could not be ascertained from the certificate.

(7) The substitution of the assignee as a limited partner does not release the assignor from liability to the partnership under sections 6 and 17.

20. Effect of Retirement, Death or Insanity of a General Partner. The retirement, death or insanity of a general partner dissolves the partnership, unless the business is continued by the remaining general partners (a) under a right so to do stated in the certificate, or (b) with the consent of all members.

21. Death of Limited Partner. (1) On the death of a limited partner his executor or administrator shall have all the rights of a limited partner for the purpose of settling his estate, and such power as the deceased had to constitute his assignee a substituted limited partner.

(2) The estate of a deceased limited partner shall be liable for all his liabilities as a limited partner.

22. Rights of Creditors of Limited Partner. (1) On due

application to a court of competent jurisdiction by any judgment creditor of a limited partner, the court may charge the interest of the indebted limited partner with payment of the unsatisfied amount of the judgment debt; and may appoint a receiver, and make all other orders, directions, and inquiries which the circumstances of the case may require.

(2) The interest may be redeemed with the separate property of any general partner, but may not be redeemed with partnership property.

(3) The remedies conferred by paragraph (1) shall not be deemed exclusive of others which may exist.

(4) Nothing in this act shall be held to deprive a limited partner of his statutory exemption.

23. Distribution of Assets. (1) In settling accounts after dissolution the liabilities of the partnership shall be entitled to payment in the following order: (a) Those to creditors, in the order of priority as provided by law, except those to limited partners on account of their contributions, and to general partners, (b) those to limited partners in respect to their share of the profits and other compensation by way of income on their contributions, (c) those to limited partners in respect to the capital of their contributions, (d) those to general partners other than for capital and profits, (e) those to general partners in respect to profits, (f) those to general partners in respect of capital.

(2) Subject to any statement in the certificate or to subsequent agreement, limited partners share in the partnership assets in respect to their claims for capital, and in respect to their claims for profits or for compensation by way of income on their contributions respectively, in proportion to the respective amounts of such claims.

24. When Certificate Shall be Cancelled or Amended. (1) The certificate shall be cancelled when the partnership is dissolved or all limited partners cease to be such.

(2) A certificate shall be amended when (a) there is a change in the name of the partnership or in the amount or character of the contribution of any limited partner, (b) a person is substituted as a limited partner, (c) an additional limited partner is admitted, (d) a person is admitted as a general partner, (e) a general partner retires, dies or becomes insane, and the business is continued under section 20, (f) there

is a change in the character of the business of the partnership, (g) there is a false or erroneous statement in the certificate, (h) there is a change in the time as stated in the certificate for the dissolution of the partnership or for the return of a contribution, (i) a time is fixed for the dissolution of the partnership, or the return of a contribution, no time having been specified in the certificate, or (j) the members desire to make a change in any other statement in the certificate in order that it shall accurately represent the agreement between them.

25. Requirements for Amendment and for Cancellation of Certificate. (1) The writing to amend a certificate shall (a) conform to the requirements of section 2 (1) (a) as far as necessary to set forth clearly the change in the certificate which it is desired to make, and (b) be signed and sworn to by all members, and an amendment substituting a limited partner or adding a limited or general partner shall be signed also by the member to be substituted or added, and when a limited partner is to be substituted, the amendment shall also be signed by the assigning limited partner.

(2) The writing to cancel a certificate shall be signed by all members.

(3) A person desiring the cancellation or amendment of a certificate, if any person designated in paragraphs (1) and (2) as a person who must execute the writing refuses to do so, may petition the superior court in and for any county in which the partnership is doing or has been doing any business to direct a cancellation or amendment thereof.

(4) If the court finds that the petitioner has a right to have the writing executed by a person who refuses to do so, it shall order the secretary of state or deputy secretary of state to record the cancellation or amendment of the certificate; and where the certificate is to be amended, the court shall also cause to be filed for record in said office a certified copy of its decree setting forth the amendment.

(5) A certificate is amended or cancelled when there is filed for record in the office of the secretary of state where the certificate is recorded (a) a writing in accordance with the provisions of paragraph (1), or (2) or (b) a certified copy of the order of court in accordance with the provisions of paragraph (4).

(6) After the certificate is duly amended in accordance

with this section, the amended certificate shall thereafter be for all purposes the certificate provided for by this act.

26. Parties to Actions. A contributor, unless he is a general partner, is not a proper party to proceedings by or against a partnership, except where the object is to enforce a limited partner's right against or liability to the partnership.

27. Title. This act may be cited as The Uniform Limited Partnership Act.

28. Rules of Construction. (1) The rule that statutes in derogation of the common law are to be strictly construed shall have no application to this act.

(2) This act shall be so interpreted and construed as to effect its general purpose to make uniform the law of those states which enact it.

(3) This act shall not be so construed as to impair the obligations of any contract existing when the act goes into effect, nor to affect any action or proceedings begun or right accrued before this act takes effect.

29. Rules for Cases Not Provided for in this Act. In any case not provided for in this act the rules of law and equity, including the law merchant, shall govern.

30. Existing Limited Partnerships and Limited Partnerships Organized Elsewhere. (1) Any limited partnership heretofore formed under any statute of this state and existing at the time of the adoption of this act, and the general and limited partners composing the same, shall be subject to the provisions of and entitled to all the benefits of this act; except that any certificates and affidavits heretofore recorded and published as required by the limited partnership statute in effect in this state at the time of such recording or publication shall be deemed a full compliance with the provisions of this act.

(2) A partnership heretofore or hereafter formed under the statutes of another state shall be a limited partnership under this act and qualified to do business as such in this state upon compliance with the provisions of this act in the same manner as if formed under the provisions of this act.

31. Act Repealed. Except to the extent provided in section 30 of this act, Public Laws, chapter 156, is hereby repealed.

32. Takes Effect. This act shall take effect upon its passage.

[Approved May 12, 1937.]

CHAPTER 102.

AN ACT RELATING TO LINES OF TELEGRAPH AND OTHER COMPANIES IN HIGHWAYS.

SECTION

1. Lines of wire, cables, etc.
2. Action on petition.
3. Dissatisfaction of party in interest.

SECTION

4. State highways and trunk lines.
5. Authority to grant.
6. Licenses.
7. Takes effect.

Be it enacted by the Senate and House of Representatives in General Court convened:

1. Lines of Wire, Cables, etc. Amend section 2, chapter 97, Public Laws, as inserted by chapter 100 of the Laws of 1935, by striking out said section and inserting in place thereof the following: **2. Locating.** Any such person, copartnership or corporation, desiring to erect or install any such poles, structures, conduits, cables or wires in, under or across any such highway, may petition the selectmen of the town in which such highway is situated to grant a license therefor. If the public good requires, the selectmen shall grant a license for erecting or installing and maintaining the poles, structures, conduits, cables or wires described in the petition. The selectmen in such license shall designate and define the maximum and minimum length of poles, the maximum and minimum height of structures, the approximate location of such poles and structures and the minimum distance of wires above and of conduits or cables below the surface of the highway and in their discretion the approximate distance of such poles from the edge of the traveled roadway or of the sidewalk. Such designation and definition of location may be by reference to a map or plan filed with or attached to the petition or license. In connection with such a petition the petitioner may also petition such selectmen to grant a permit for such poles, structures, conduits, cables or wires. If the public good requires, the selectmen shall grant a permit for erecting or installing and maintaining such poles, structures, conduits, cables or wires. Such permit shall be effective for such term as they may determine, but not exceeding one year from the date of grant thereof, and may upon petition be extended for a further term not exceeding one year. Such permit shall designate and define in a general way the location of the poles, structures, conduits, cables or wires described in the petition therefor. Except

as herein otherwise provided, the holder of such permit shall during the term thereof be entitled to have and exercise all the rights, privileges and immunities and shall be subject to all the duties and liabilities granted or imposed by this chapter upon the holder of a license hereunder. After the poles, structures, conduits, cables or wires have been erected or installed pursuant to such permit and on or before the expiration thereof, the selectmen shall, if the public good requires, grant a license therefor as aforesaid. The word "license" as hereinafter used in this chapter except in section 5 shall be construed to include the word permit. The holder of such a license (hereinafter referred to as licensee) shall thereupon and thereafter be entitled to exercise the same and to erect or install and maintain any such poles, structures, conduits, cables and wires in approximately the location designated by such license and to place upon such poles and structures the necessary and proper guys, cross-arms, fixtures, transformers and other attachments and appurtenances which are required in the reasonable and proper operation of the business carried on by such licensee, together with as many wires and cables of proper size and description as such poles and structures are reasonably capable of supporting during their continuance in service; and to place in such underground conduits such number of ducts, wires and cables as they are designed to accommodate and to supply and install in connection with such underground conduits and cables the necessary and proper manholes, drains, transformers and other accessories which may reasonably be required. In cities, the board of mayor and aldermen or other board having authority to locate poles and wires shall exercise the powers and duties prescribed in this chapter for selectmen; and they are hereby authorized to delegate all or any part of the powers conferred upon them by the provisions of this section to such agents as they may duly appoint.

2. Action on Petition. Amend section 5 of said chapter 97, as inserted by chapter 100 of the Laws of 1935, by striking out said section and inserting in place thereof the following: **5. Return; Record.** The selectmen or the board of mayor and aldermen or other board having authority to locate poles and wires in cities, or the state highway commissioner, within thirty days after any petition authorized by this chapter has been presented for action, shall make a return of their pro-

ceedings and their decision thereon; provided, however, that if a permit is granted upon petition therefor, return and decision upon the petition for license presented with such petition for permit shall be made on or before the expiration of such permit. They shall cause the petition for license and their return to be recorded by the clerk of the city or town in which the poles, structures, conduits, cables or wires are located.

3. Dissatisfaction of Parties in Interest. Amend section 7 of said chapter 97, as inserted by chapter 100 of the Laws of 1935, by striking out said section and inserting in place thereof the following: **7. Petition to Court.** If the selectmen or the board of mayor and aldermen or other board having authority to locate poles and wires in cities, or the state highway commissioner, shall neglect or refuse to decide and make return of their proceedings upon any petition authorized by this chapter within the times limited by section 5, or if any party whose interests are affected by their decision on any such petition or in granting a license, changing the terms thereof or revoking the same, is dissatisfied therewith, the petitioner or party so dissatisfied may apply to the superior court for relief within sixty days after the expiration of the times limited by section 5 or after such decision; and like proceedings shall thereupon be had as in the case of appeals from the laying out of highways.

4. State Highways and Trunk Lines. Amend section 9 of said chapter 97, as inserted by chapter 100 of the Laws of 1935, by striking out said section and inserting in place thereof the following: **9. Jurisdiction of Highway Commissioner.** Petitions filed under sections 2 and 3 of this chapter involving state highways or trunk lines as defined in section 1 of chapter 84 of the Public Laws or any other highway or portion thereof which at the time is maintained in whole or in part with state funds, shall be addressed to the state highway commissioner, who shall have exclusive jurisdiction of the disposition of such petitions to the same effect as is provided for selectmen in other cases, and also shall have like jurisdiction for changing the terms of any such license or for assessing damages as provided in this chapter. The state highway commissioner shall also have the same authority as conferred upon the selectmen by section 4 of this chapter to revoke or change the terms and conditions of any such license. The state highway commissioner is hereby authorized to delegate

all or any part of the powers conferred upon him by the provisions of this section to such agent or agents as he may duly appoint in writing; the state highway commissioner shall cause such appointments, including such as may have been heretofore made by him, to be recorded in the office of the secretary of state, who shall keep a record thereof. The location of poles licensed upon such petitions shall be entered by the state highway department upon the existing record plans of said department, at the expense of the licensees. On record plans of said department prepared on or after the effective date of this act, such locations shall be entered without cost to the licensee.

5. Authority to Grant. Amend section 11 of said chapter 97, as inserted by chapter 100 of the Laws of 1935, by striking out said section and inserting in place thereof the following: **11. Joint Licenses.** Joint licenses for erecting or installing and maintaining any jointly owned poles, structures, conduits, cables and wires may be granted under the provisions of this chapter to two or more petitioners.

6. Licenses. Amend said chapter 97, as inserted by chapter 100 of the Laws of 1935, by adding after section 11 the following new section: **11-a. Transfer of —.** In connection with the transfer of all or any interest in any poles, structures, conduits, cables or wires, the transferor may by appropriate assignment transfer his or its license to maintain the same and the transferee shall be entitled to have and exercise such license to the extent necessary for his or its use of the transferred property, upon recording such assignment with the clerk of the town in which said property is situated.

7. Takes Effect. This act shall take effect upon its passage.

[Approved May 12, 1937.]

CHAPTER 103.

AN ACT RELATING TO INSTITUTIONS UNDER THE SUPERVISION OF
THE BANK COMMISSIONER.

SECTION

1. Against losses.
2. Repeal.
3. Trust companies.
4. Building and loan associations.
5. Credit unions.
6. Investments.
7. Liquidation.

SECTION

8. Trust and banking companies.
9. Private banking.
10. Repeal.
11. Investments.
12. Repeal.
13. Powers of trust companies.
14. Deposit of collateral.
15. Takes effect.

Be it enacted by the Senate and House of Representatives in General Court convened:

1. Against Losses. Amend chapter 259 of the Public Laws by adding after section 10 a new section which shall read as follows: **10-a. Protection.** The bank commissioner shall require each institution under his supervision to provide for the reasonable protection or indemnity of such institution against losses from such dishonest or criminal acts as the commissioner may determine. The bank commissioner shall not require protection or indemnity in excess of one hundred thousand dollars against losses resulting from the acts of any one person. The insurance commissioner shall determine whether the form of any document offered for such purpose by any such institution complies with the requirements of the bank commissioner. Any institution dissatisfied with any requirements of the bank commissioner under the provisions of this section may appeal therefrom within twenty days of notice thereof to a board of appeal who shall be the bank commissioner, the insurance commissioner and the attorney-general or in his absence the assistant attorney-general. The decision of such board made after notice and hearing shall be final. The directors or trustees of any such institution may provide for the protection or indemnity thereof in addition to any protection or indemnity required under the provisions hereof.

2. Repeal. Amend chapter 261 of the Public Laws by striking out sections 11, 12, 13, 14, 15 and 16 thereof, relative to bonds of treasurers of savings banks.

3. Trust Companies. Amend section 29, chapter 265 of the Public Laws, by striking out the words "and shall give bond to the satisfaction of said board for the faithful performance

of his duties" and by striking out the comma after the word "directors" and inserting in place thereof the word and, so that said section as amended shall read as follows: **29. Treasurer.** The treasurer shall be elected by the board of directors and shall hold office during their pleasure.

4. Building and Loan Associations. Amend chapter 266 of the Public Laws by striking out sections 26, 27, 28 and 29 thereof, relative to officers' bonds.

5. Credit Unions. Amend section 26 of chapter 267 of the Public Laws by striking out from the second sentence thereof the words "to fix the amount of the surety bond required of any officer having custody of funds, subject to the approval of the commissioner," so that the said section as amended shall read as follows: **26. Directors' Powers.** The board of directors shall have the general direction of the affairs of the union, and shall meet as often as may be necessary. It shall be their special duty to act upon all applications for membership and upon the expulsion of members, to determine the rate of interest on loans and deposits, to fill vacancies in the board of directors until new members shall be elected and qualified, to make recommendation to the members of the union relative to the amount of entrance fee to be charged new members, the maximum amount to be loaned any one member, the advisability of declaring a dividend and the amount to be declared, the need of amendments to the by-laws, and any other matters upon which, in their opinion, the members should act at any meeting.

6. Investments. Amend section 23, chapter 262 of the Public Laws, as inserted by section 4 of chapter 32 of the Laws of 1935 and amended by section 1, chapter 119 of the Laws of 1935 by striking therefrom the words "Until May 15, 1937" wherever the same appear and substituting in place thereof the words Until May 15, 1939, and further amend said section by inserting after the comma following the word "railroads" in the first sentence thereof the following railroad terminals, railroad bridges, so that said section as amended shall read as follows: **23. Temporary Provisions.** Until May 15, 1939, mortgage bonds and senior obligations of railroads, railroad terminals, railroad bridges, public utilities, or industrial companies, except holding companies, incorporated and operating within the boundaries of the United States shall be legal for

investment by savings banks and savings departments of trust companies, upon certification by a Board of Investments and approval by the bank commissioner. Said board shall consist of five members appointed by the governor with the advice and consent of the council. Members shall serve without pay, but shall be reimbursed for actual expenses incurred in attending meetings or obtaining information upon which to base their decisions. No member shall be engaged in the business of buying or selling securities. No securities shall be certified except those of companies incorporated and doing business prior to January 1, 1920 which are rated A, AA, or AAA or equivalent by not less than two recognized investment services approved by the bank commissioner. Any security certified hereunder as legal shall cease to be legal for investment by savings banks and savings departments of trust companies whenever the board of investments with the approval of the bank commissioner shall so determine.

Until May 15, 1939, savings banks and savings departments of trust companies may with the written approval of the commissioner and not otherwise, reinvest the proceeds of sales of steam railroad securities described in paragraph I of section 12 of chapter 262 of the Public Laws, in mortgage bonds described in said paragraph I of companies having an annual net income of not less than \$2,000,000, provided such railroad companies have earned their fixed charges in each of the next preceding three years and have met all interest and maturing principal payments without default. For the purposes of this temporary provision mortgage bonds are defined to be bonds secured by (a) a first mortgage or a mortgage or trust indenture which is in effect a first mortgage, on property owned or operated by such railroad company, or (b) a refunding mortgage which covers at least seventy-five per cent of railroad owned in fee by such railroad company at the date of the mortgage, and provides for the retirement of all outstanding mortgage debts which are a prior lien upon such railroad owned in fee and covered by said refunding mortgage at the date thereof.

Until May 15, 1939, savings banks and savings departments of trust companies may with the written approval of the commissioner and not otherwise, reinvest the proceeds of sales of bonds of public service companies described in paragraph VIII

of section 12 of chapter 262 of the Public Laws in mortgage bonds issued, assumed or guaranteed as to principal and interest by public service companies, provided such bonds were eligible for such investment on April 9, 1931, and the net income of the company which issued or have assumed or guaranteed the same shall in each of the three years preceding such investment have been not less than one and one-half times the annual interest on the obligations in question and all other obligations of corresponding or prior lien.

7. Liquidation. Amend chapter 268 of the Public Laws by adding after section 19 the following new section: **19-a. Payment of Dividends.** In the absence of an express written agreement to the contrary, any person paying to the depositor of a bank closed or in liquidation under this chapter or in any manner, a part or the whole of his deposit therein shall be subrogated to the rights of such depositor to receive dividends on account of the amount so paid.

8. Trust and Banking Companies. Amend section 10 of chapter 264 of the Public Laws by striking out the period at the end thereof and adding thereto the following; or shall be organized subsequent to June 1, 1937. The additional liability imposed on stockholders by provisions of this section or imposed on stockholders or special depositors of a guaranty fund by similar provisions contained in any special charter, or amendment thereof, of any similar corporation including any savings bank or guaranty savings bank shall cease with respect to the stockholders or special depositors of any corporation which gives notice as hereafter set forth on the date specified in such notice. Such notice shall specify a date on which the said liability shall cease and shall be published once at least six months prior to such date in a newspaper published in the city, town or county in which such corporation is located, so that said section as amended shall read as follows: **10. Stockholder's Liability.** The stockholders in any such corporation shall be personally liable, equally and ratably, and not one for another, for all contracts, debts and engagements of the corporation to the amount of their stock therein at the par value thereof, in addition to the amount invested in such shares. This section shall not apply to the stockholders in such corporations as were engaged in business on January 1, 1911 or shall be organized subsequent to June 1, 1937. The

additional liability imposed on stockholders by provisions of this section or imposed on stockholders or special depositors of a guaranty fund by similar provisions contained in any special charter, or amendment thereof, of any similar corporation including any savings bank or guaranty savings bank shall cease with respect to the stockholders or special depositors of any corporation which gives notice as hereafter set forth on the date specified in such notice. Such notice shall specify a date on which the said liability shall cease and shall be published once at least six months prior to such date in a newspaper published in the city, town or county in which such corporation is located.

9. Private Banking. Amend chapter 260 of the Public Laws by striking out sections 24, 25, and 26 thereof and substituting therefor the following: **24. Prohibited.** No individual, partnership, association or corporation except national banks and such corporations as are thereto empowered by their charters granted by this state shall receive deposits and transact business in the way or manner of a bank or in such way or manner as to lead the public to believe that his, their or its business is that of a bank. Whoever violates any provision of this section shall forfeit to the state one hundred dollars a day for every day or part thereof during which such violation continues. **25. Recovery.** Any violation of the provisions of the preceding section shall forthwith be reported by the commissioner to the attorney-general; and the forfeiture may be recovered by an information or other appropriate proceeding brought in the superior court in his name. **26. Injunctions.** Upon such information or other proceeding the court may issue an injunction restraining such individual, partnership, association or corporation from further prosecution of the prohibited business within this state during the pendency of such proceeding or for all time, and may make such other order as justice may require.

10. Repeal. Section 4 and sections 52 to 59, inclusive, of chapter 261 of the Public Laws, relative to right to act as savings bank, are hereby repealed.

11. Investments. Amend paragraph I-a, section 3, chapter 262 of the Public Laws, as inserted by section 1, chapter 32, Laws of 1935, by striking out the same and inserting in place thereof the following: **I-a. Loans Insured by the Federal**

Housing Administrator. Those secured by mortgage which the federal housing administrator has insured, or made commitment to insure, if the laws of the United States entitle the mortgagee to receive payment of such insurance in cash or the debentures hereafter described, and such debentures issued by the federal housing administrator as are fully guaranteed as to principal and interest by the United States. The authority to invest in loans described in paragraph I and this paragraph shall be so exercised that the total amount invested in such loans shall not exceed seventy-five per cent of the deposits.

12. Repeal. Paragraph VIII-b of section 3 of chapter 262 of the Public Laws, as inserted by section 3, chapter 32, Laws of 1935, relative to investments in obligations of national mortgage associations, is hereby repealed.

13. Powers of Trust Companies. Amend section 31, chapter 265 of the Public Laws by adding in the twelfth line thereof after the word "security" the following; except that loans not exceeding eighty per cent of the value of the security may be made on notes secured by first mortgages on real estate situated within the state or within any county contiguous to the town in which the loaning bank is situated, if such mortgages are insured by the federal housing administrator and the laws of the United States entitle the mortgagee to receive payment of such insurance in cash or in debentures fully guaranteed as to principal and interest by the United States, so that said section as amended shall read as follows: **31. In General.** Such corporation may be authorized and empowered to receive on deposit, storage or otherwise money, securities, jewelry, documents, evidences of debt and other personal property of a similar character, for safe keeping, upon such terms or conditions as may be agreed upon, which said deposits may be made by corporations and persons acting individually or in any fiduciary capacity; to collect and disburse the income and principal of said property when due; to advance or loan money or credits on personal security or property; to advance or loan not exceeding twenty-five per cent of its capital and surplus on notes secured by first mortgage of real estate situated in the New England States, but no such loan shall exceed seventy per cent of the value of the security except that loans not exceeding eighty per cent of the value of the security may be made on notes secured by first mortgages on real estate situ-

ated within the state or within any county contiguous to the town in which the loaning bank is situated, if such mortgages are insured by the federal housing administrator and the laws of the United States entitle the mortgagee to receive payment of such insurance in cash or in debentures fully guaranteed as to principal and interest by the United States; to negotiate, purchase and sell stocks, bonds and other evidences of debt; to do a general banking business; and to conduct a savings bank business.

14. Deposit of Collateral. Wherever collateral must or may be furnished by any depository in the state of New Hampshire as security for the deposit of any funds whatsoever, or wherever collateral must or may be deposited with any official of the state of New Hampshire pursuant to any statute of this state, mortgages insured by the federal housing administrator, if the laws of the United States entitle the mortgagee to receive payment of such insurance in cash or the debentures hereafter described, and such debentures issued by the federal housing administrator as are fully guaranteed as to principal and interest by the United States, shall be considered eligible collateral for such purposes.

15. Takes Effect. This act shall take effect upon its passage except that sections 1, 2, 3, 4 and 5 hereof shall take effect on August 1, 1937.

[Approved May 12, 1937.]

CHAPTER 104.

AN ACT RELATING TO DEPOSITS BY STATE TREASURER.

SECTION

1. Public moneys, deposits by
state treasurer.

SECTION

2. Takes effect.

Be it enacted by the Senate and House of Representatives in General Court convened:

1. Public Moneys, Deposits by State Treasurer. Amend section 6 of chapter 15 of the Public Laws, as amended by chapter 3 of the Laws of 1927, by striking out the word "fifty" and by inserting in lieu thereof the word sixty, so that the said section as amended shall read as follows: **6. Deposits.** The treasurer may deposit any portion of the public moneys in his

possession, in such national banks within the state or the state of Massachusetts, or any such trust company incorporated under the laws of, or doing business within, the state or the state of Massachusetts, as shall be approved at least once in six months by the governor and council, but the amount deposited in any one bank or trust company shall not at any time exceed sixty per cent of its paid up capital and surplus. Other things being equal, those banks or trust companies shall receive preference which will allow interest on daily balances. All interest received on such deposits shall be paid into the state treasury.

2. Takes Effect. This act shall take effect on its passage.
[Approved May 12, 1937.]

CHAPTER 105.

AN ACT RELATIVE TO THE PLACING OUT OF INFANTS.

SECTION

1. Placing of infants.

SECTION

2. Takes effect.

Be it enacted by the Senate and House of Representatives in General Court convened:

1. Placing of Infants. Amend section 12 of chapter 113 of the Public Laws, as amended by chapter 177, Laws of 1929, by striking out the words "for compensation" in the second and third lines and inserting in place thereof the words, for a period of more than thirty days, so that said section as amended shall read as follows: **12. Notice of Placing.** Whoever receives under his care or control, and whoever places under the care or control of another, for a period of more than thirty days, an infant under three years of age, which is not related by blood or marriage to the person receiving it, shall, within two days thereafter, give notice thereof, and of the terms upon which such infant was received, to the state board of public welfare, with the name, age and residence of the infant, its parents and the persons from whom and by whom it was received.

2. Takes Effect. This act shall take effect on its passage.
[Approved May 12, 1937.]

CHAPTER 106.

AN ACT RELATING TO BUILDING AND LOAN ASSOCIATIONS.

SECTION

1. Loans.
2. Amendment.
3. Excess funds.
4. Paid-up shares.

SECTION

5. Amount.
6. Single payment shares.
7. Takes effect.

Be it enacted by the Senate and House of Representatives in General Court convened:

1. Loans. Amend chapter 266 of the Public Laws by inserting after section 9, as amended by section 3, chapter 82, Laws of 1935, the following new sections: **9-a. To Officers and Directors.** No building and loan association shall make a loan to any of its officers or directors nor accept any of its officers or directors as surety, endorser or guarantor upon any loan, unless all of the directors of the association have consented thereto in writing.

9-b. Reduction of. With the approval of the board of directors, any shares pledged for a real estate loan may, at the request of the owner thereof, be cancelled, whereupon there shall be endorsed on the mortgage note as a credit upon the amount of the loan the full value of such shares, less all monthly instalments of interest and fines and/or premium in arrears, unpaid taxes, and an amount not in excess of three hundred dollars to be expended for repairs, at the option of the directors, any other legal charges and such sum as will leave the amount of the loan a multiple of fifty dollars. Such cancellation and credit may be made even if the amount of the loan will not thereby be reduced as to principal. Thereupon new shares in the current series shall be issued to the shareholder in the proportion of one share to each two hundred dollars of the loan then remaining unpaid. The new shares issued shall be transferred and pledged to the association as security for the amount of the loan remaining unpaid, and the fact thereof shall be endorsed upon or attached to the note in the following form:

, 19.....

The value of the shares herein pledged, less deductions authorized by section 9-b of chapter 266 of the Public Laws, amounting to \$....., has this day been applied as a

credit upon this note, leaving a balance due and unpaid of \$. to secure which. shares of series. have been issued, and are hereby transferred and pledged.

For value received, I or we promise to pay to said corporation or its order. dollars at or before its monthly meeting on the. of each month hereafter, being the amount of the monthly dues on the shares hereby substituted, and of the monthly interest and/or premium upon said balance of \$. , together with all fines chargeable by the by-laws of said corporation upon arrears of such payments until said substituted shares shall reach maturity, or otherwise sooner pay to said corporation or its order the said balance of \$. , with interest and fines and/or premium as aforesaid.

Witness,

(Signature)

Approved

Treasurer.

Neither the note evidencing the loan nor the mortgage securing the same shall be prejudiced by the application of the value and the change of shares, notwithstanding the fact that a provision for such application and change was not originally made in the note or mortgage, and both note and mortgage shall continue to be held by the association as good and sufficient security for the balance remaining unpaid.

After the application of the value as a credit, the amount of the loan shall forthwith be reduced to an equal extent, and the owner shall thereafter be liable for only the reduced amount and any arrearages or penalties occasioned by his own default.

No action under this section shall affect the rights of the holder, other than the corporation granting the accommodation, of any mortgage recorded prior to May first, 1937, unless the written assent of such holder shall be obtained, nor shall any such action affect the rights of an original borrower whose note is dated prior to said date, unless his written assent shall be obtained.

2. Amendment. Further amend said chapter 266 by striking out all of section 14-b as inserted by section 3, chapter 26, Laws of 1933, and inserting in place thereof the following:
14-b. Guaranty Fund. Every building and loan association shall, at each distribution of profits reserve as a guaranty fund

not less than five per cent of its net profits accrued since the last preceding distribution, until such fund amounts to not less than five nor more than ten per cent of its total liabilities. Said guaranty fund, by vote of the board of directors, may be used to pay losses. Subject to the approval of the bank commissioner it may also be used to maintain the distribution of profits at the same rate of interest and for any other purpose. The board of directors may at any time, by vote duly recorded, transfer to the guaranty fund the whole or any part of any surplus or reserve under whatever name, and may increase such funds to a sum equal to ten per cent of the total liabilities.

3. Excess Funds. Further amend said chapter 266 by inserting after section 14-b the following new section: **14-c. Investment of.** If at any time any association has funds in excess of the amounts required for loans to its members, and the payment of matured shares, and the withdrawal demand of its shareholders, it may invest such excess funds as follows:

I. In bonds, notes, certificates and other valid obligations of the United States or of the state of New Hampshire, or of any county, city, or town of the state, issued pursuant to authority of law.

II. In bonds, notes, debentures or other securities or obligations issued by any Federal Home Loan Bank of the United States, or by the Home Owner's Loan Corporation, or in securities or obligations issued by any other federal agency and fully guaranteed by the United States.

4. Paid-up Shares. Amend section 22 of said chapter 266, as amended by section 1, chapter 82, Laws of 1935, by striking out said section and inserting in place thereof the following: **22. Amount.** No person shall hold more than twenty paid-up shares.

5. Amount. Amend section 25 of said chapter 266, as amended by section 2, chapter 82, Laws of 1935, by striking out the words "ten per cent" in the sixth line thereof and inserting in place thereof the words twenty per cent, so that said section as amended shall read as follows: **25. Investment Share Certificates.** For the purpose of obtaining funds for loans on New Hampshire homes, such associations may issue investment share certificates bearing dividends at a rate not to exceed five per cent per annum, payable semi-annually.

The amount of investment share certificates which may be issued shall not exceed twenty per cent of other liabilities. No person shall hold more than two thousand dollars in these certificates. Withdrawal of investment share certificates shall be subject to the same provisions as apply to paid-up certificates.

6. Single Payment Shares. Further amend said chapter 266 by inserting after section 25, as amended hereinbefore, the following new section: **25-a. Authority to Issue; Value; Rights.** Such associations may issue single payment shares of an ultimate value of two hundred dollars each. Such single payment shares shall be issued for the consideration of the initial payment only and no further payment shall be accepted on account thereof. Profits and dividends accruing thereon shall be added to the initial payment until the value of each share reaches two hundred dollars, when it shall be paid to the shareholder and the share shall be retired or paid-up certificates issued therefor under section 21 hereof. A holder of a single share certificate shall have the right of withdrawal prescribed by sections 17 and 18 hereof subject to the limitations therein set forth but such withdrawal must be exercised as to the whole of the value of the share at the time of withdrawal and the association shall retain as a penalty for such withdrawal one fourth of the amount by which the value at the time of withdrawal exceeds the initial payment. Single payment shares may be paid off at any time at the option of the board of directors provided thirty days' notice of the payment date shall have been given to the holder. The said notice may not be waived. No person shall hold more than twenty-five single payment shares.

7. Takes Effect. This act shall take effect upon its passage.

[Approved May 19, 1937.]

CHAPTER 107.

AN ACT TO ASSURE AN ADEQUATE SUPPLY OF PROPER MILK.

SECTION

1. Definitions.
2. Board constituted.
3. Compensation.
4. Assistants.
5. Duties.
6. Authority to fix price.
7. Accepting grades.
8. Licenses; fees.
9. Records and examination.
10. Administration, rules, regulations.
11. Disposition of revenue.
12. Penalties.
13. Conferences authorized.
14. Motion for rehearing.
15. Specifications.
16. Action on motion.
17. Appeal.
18. Petition.
19. Parties.

SECTION

20. Notice to board.
21. Other notice.
22. Fees for copies.
23. Argument.
24. Burden of proof.
25. Additional evidence.
26. Taking.
27. Stay of proceedings.
28. Action of board.
29. Subsequent proceedings.
30. Evidence, how considered.
31. Judgment.
32. Suspension of order.
33. Remedy exclusive.
34. Constitutionality.
35. Interstate commerce.
36. Appropriation.
37. Repeal.
38. Takes effect.

Be it enacted by the Senate and House of Representatives in General Court convened:

1. Definitions. Terms used in this act shall be construed as follows unless a different meaning is clearly apparent from the language or context:

“Board,” means the milk control board as constituted herein.

“Person,” means any person, association, firm, partnership or corporation or co-operative association.

“Distributor,” means any person who produces and sells, or who purchases for sale or sells, more than two quarts of milk daily within the state for consumption, disposition or use within the state, except those who sell milk for consumption on the premises. A producer who delivers or sells milk to a distributor only shall not be deemed a distributor.

“Market,” means any city, town or village, or two or more of the same designated by the board as a natural marketing area.

“Milk,” means fluid milk, cream, skim milk or buttermilk, fresh, sour or storage, irrespective of whether or not such milk is flavored.

“Producer,” means any person who produces milk within the state.

2. Board Constituted. There shall be a Milk Control

Board to consist of three members, no more than two of whom shall be of the same political party, to be appointed by the governor with the advice and consent of the council, for a term of three years, except the first board, whose members shall be appointed for terms of one, two and three years, respectively. The term of each member shall be fixed in his commission and each shall continue in office until his successor has been appointed and qualified. One member shall be designated by the governor as chairman. If a vacancy shall occur in said board, it shall be filled for the unexpired term by the governor with advice and consent of the council.

3. Compensation. The members of said board shall be paid seven dollars a day, each, for such time as they are actually engaged in the service of the state and their actual expenses.

4. Assistants. Said board, with the approval of the governor and council, may employ and fix the salaries of a secretary and such assistants as may be necessary.

5. Duties. It shall be the duty of the board to be informed at all times as to the supply, production and quality of milk in the state that the public may be assured of an adequate daily production in the state of a proper quantity and quality. It shall be the duty of the board further to be informed at all times as to the transportation, processing, storage and distribution of milk sold, consumed or used in the state. To the end that no part of the state shall lose or have impaired its reasonable requirements of milk of a proper quality, the board shall have power to supervise, regulate and control the production, distribution and sale of milk within the state. To the end of safeguarding and protecting the public from the harm and economic loss it would sustain if the production of milk was substantially curtailed, the board shall secure the cooperation of those engaged in the industry to maintain fair and lawful trade practices. The authority herein conferred shall supplement and be in addition to but not in lieu of existing laws relating to transportation of milk, its inspection, testing, the powers of the public service commission, the state board of health and local health ordinances and regulations and the requirements of chapters 163 and 164 of the Public Laws.

6. Authority to Fix Price. Whenever the board shall determine, either upon complaint or upon its own initiative, after

public notice and hearing, that the public health is menaced, jeopardized or likely to be impaired or deteriorated by the loss or substantial lessening of a supply of milk of proper quality in a specified market, the board shall fix the just and reasonable minimum or maximum prices, or both, that shall be paid producers or associations of producers by distributors, and the manner of payment and the prices charged consumers and others for milk by distributors, as long as such condition is found to prevail in such market. The prices so fixed need not be uniform in all markets and may be changed from time to time after such notice and public hearing as deemed by the board in the public interest. Nothing herein shall be construed to prohibit a producers' co-operative, organized under chapter 224 of the Public Laws or similar laws of other states, from blending the proceeds from the sale of its milk in all markets and all classifications, and distributing such to its members in accordance with a contract with its members, or in making deductions from sums due members of such sums as may be authorized by the membership to be so deducted.

7. Accepting Established Grades. The board may accept established and defined classes and grades of milk or may establish and define such classes and grades, and shall specify to what classes or grades the prices fixed pursuant to section 6 hereof shall apply.

8. Licenses; Fees. All distributors in any market designated by said board shall be licensed by said board. The annual fee for such license shall be two dollars for distributors selling more than two quarts and not more than twenty quarts daily average, four dollars for distributors selling more than twenty quarts and not more than fifty quarts daily, seven dollars and fifty cents for distributors selling more than fifty quarts and not more than one hundred quarts daily, ten dollars for distributors selling more than one hundred quarts and not more than two hundred quarts daily, and for each additional one hundred quarts or fraction thereof daily sold by a distributor there shall be an additional license fee of five dollars. In determining the foregoing fees sales made by a distributor to the public over the counter, not for consumption on the premises, shall not be included in determining the number of quarts sold daily. Such over-the-counter distributor shall pay an annual fee for such license of one dollar. The board may,

upon proper evidence, decline to grant and may, after due notice and public hearing, suspend or revoke, a license. Violation by a distributor of the provisions hereof or any rule or regulation made hereunder, or conviction of violating the health laws or regulations of the state board of health, shall be sufficient cause to suspend, revoke or withhold such distributor's license. Any distributor who fails to take out a license hereunder shall be subject to the penalties provided for in section 12 hereof.

9. Records and Examination. All distributors in any market specified by the board as one in which it is in the public interest to regulate the supply, production and quality of milk, shall keep such records and make such reports as the board may reasonably require. All other distributors shall keep such records and make such reports as the board may reasonably require to keep it informed at all times as to the adequacy of such supply, production and quality of milk. Any member of the board or its representative shall have access to and may enter and examine, at all reasonable hours, all places where milk is produced, handled, distributed or sold and examine all books and records kept.

10. Administration, Rules and Regulations. In administering this act the board shall have the power to make orders hereunder, conduct hearings, subpoena and examine under oath producers and distributors, their books, records, documents, correspondence and accounts, and any other person it deems necessary to carry out the purposes and intent of this act. The board may adopt, promulgate and enforce such reasonable rules and regulations as are deemed necessary to carry out the provisions of this act.

11. Disposition of Revenue. All moneys received by the board from license fees and fines shall be paid promptly into the state treasury. All moneys received by the state treasurer under the provisions hereof shall be available for the general revenue of the state.

12. Penalties. Anyone violating any provision of this act or order hereunder, or any rule or regulation of the board made hereunder, or failing to answer a subpoena or to testify before the board, shall be fined not exceeding one hundred dollars or be imprisoned for not more than one year, or both, and each day during which such violation shall continue shall

be deemed a separate violation. The court imposing such penalty, within five days of the receipt of such fine, shall send the same to the board.

13. Conferences Authorized. The board shall have power to confer and agree with legally constituted similar boards or authorities of other states, or agencies of the federal government, and to adopt necessary regulations to effect a uniformity in regulation and assure an adequate and proper milk supply in New Hampshire.

14. Motion for Rehearing. Within twenty days after any order or decision has been made by the board, any party to the action or proceeding before the board or any person directly affected thereby, may apply for a rehearing in respect to any matter determined in the action or proceeding, or covered or included in the order, specifying in the motion for rehearing the ground therefor, and the board may grant such rehearing if in its opinion good reason therefor is stated in said motion.

15. Specifications. Such motion shall set forth fully every ground upon which it is claimed that the decision or order complained of is unlawful or unreasonable. No appeal from any order or decision of the board shall be taken unless the appellant shall have made application for rehearing as herein provided, and when such application shall have been made, no ground not set forth therein shall be urged, relied on or given any consideration by the court, unless the court for good cause shown shall allow the appellant to specify additional grounds.

16. Action on Motion. Upon the filing of such motion for rehearing, the board shall within ten days either grant or deny the same, or suspend the order or decision complained of pending further consideration, and any order of suspension may be upon such terms and conditions as the board may prescribe.

17. Appeal. Within thirty days after the application for a rehearing is denied, or if the application is granted, then within thirty days after the decision on such rehearing, the applicant may appeal by petition to the supreme court.

18. Petition. Such petition shall state briefly, (1) the nature of the proceeding before the board, and (2) shall set forth the order or decision complained of, and (3) the grounds

upon which the same is claimed to be unlawful or unreasonable upon which the petitioner will rely in the supreme court.

19. Parties. Any person whose rights may be directly affected by said appeal may appear and become a party, or the court may order such persons to be joined as parties, as justice may require.

20. Notice to Board. Upon the filing of an appeal, the clerk of court shall issue an order of notice requiring the board to file with the court a certified copy of the record in the proceeding, together with such of the evidence introduced before or considered by the board as may be specified by any party in interest, as well as such other evidence, so introduced and considered, as the board may deem proper to certify, together with the originals or copies of all exhibits introduced in evidence before the board.

21. Other Notice. Such notice as the court may order shall also be given to persons who were parties to the proceeding before the board or who may be ordered joined by the court.

22. Fees for Copies. The board shall collect from the party making the appeal a fee of ten cents per folio of one hundred words for the copy of the record and such testimony and exhibits as shall be transferred, and five cents per folio for manifold copies, and shall not be required to certify the record upon any such appeal, nor shall said appeal be considered, until the fees for copies have been paid.

23. Argument. Upon the filing of said copy of the record, evidence and exhibits, the case shall be in order for argument at the next regular session of the court, unless the same be postponed for good cause shown.

24. Burden of Proof. Upon the hearing the burden of proof shall be upon the party seeking to set aside any order or decision of the board to show that the same is clearly unreasonable or unlawful, and all findings of the board upon all questions of fact properly before it shall be deemed to be *prima facie* lawful and reasonable; and the order or decision appealed from shall not be set aside or vacated except for errors of law, unless the court is satisfied, by a clear preponderance of the evidence before it, that such order is unjust or unreasonable.

25. Additional Evidence. No new or additional evidence

shall be introduced in the supreme court, but the case shall be determined upon the record and evidence transferred, except that in any case, if it shall be necessary in order that no party shall be deprived of any constitutional right, or if the court shall be of the opinion that justice requires the reception of evidence of facts which have occurred since the hearing, or which by reason of accident, mistake or misfortune could not have been offered before the board, it may receive and consider additional evidence.

26. Taking. Such additional evidence may be taken before a single justice or otherwise, as the court may order.

27. Stay of Proceedings. If the court in any case shall hear new evidence such new evidence shall, upon the motion of any party, be transmitted by copy to the board, and all proceedings shall be stayed for twenty days from the date of such transmission.

28. Action of Board. Upon receipt of such evidence, the board shall consider the same and may alter, modify, amend or rescind the order or decision appealed from, and shall report its action thereon to the court within said twenty days.

29. Subsequent Proceedings. If the board shall rescind the order appealed from the appeal shall be dismissed; if it shall alter, modify or amend the same such altered, modified or amended order shall take the place of the original order complained of, and the court shall render judgment with reference thereto in said appeal as though said order had been made by the board in the first instance, after allowing any amendments of the pleadings or other incidental proceedings desired by the parties which the changed situation may require.

30. Evidence, How Considered. All evidence transferred by the board shall be, and all additional evidence received may be, considered by the court regardless of any technical rule which might have rendered the same inadmissible if originally offered in the trial of an action at law.

31. Judgment. The final judgment upon every appeal shall be a decree dismissing the appeal, or vacating the order complained of in whole or in part, as the case may be; but in case such order is wholly or partly vacated, the court may also, in its discretion, remand the matter to the board for such further proceedings, not inconsistent with the decree, as in the opinion of the board justice may require.

32. Suspension of Order. No appeal or other proceedings taken from an order of the board shall suspend the operation of such order; provided that the supreme court may order a suspension of such order pending the determination of such appeal or other proceedings whenever, in the opinion of the court, justice may require such suspension.

33. Remedy Exclusive. No proceeding other than the appeal herein provided for shall be maintained in any court of this state to set aside, enjoin the forcement of or otherwise review or impeach any order of the board, except as otherwise specially provided.

34. Constitutionality. If any provision of this act or the application thereof to any person or circumstances is held invalid, the remainder of the act and the application of such provisions to other persons and circumstances shall not be affected thereby.

35. Interstate Commerce. Nothing herein shall be construed as applying to interstate or foreign commerce except as may be permitted by the federal constitution and laws enacted thereunder.

36. Appropriation. There is hereby appropriated the sum of twelve thousand dollars for each of the fiscal years beginning July 1, 1937, and July 1, 1938, for the purposes of this act and the governor is authorized to draw his warrant for the same out of any money in the treasury not otherwise appropriated.

37. Repeal. Chapter 21 of the Laws of 1935, relative to the distribution and sale of milk, is hereby repealed.

38. Takes Effect. This act shall take effect July 1, 1937.
[Approved May 19, 1937.]

CHAPTER 108.

AN ACT CHANGING THE NAME OF PEMIGEWASSET POND TO
PEMIGEWASSET LAKE.

SECTION

1. Name changed.

SECTION

2. Takes effect.

*Be it enacted by the Senate and House of Representatives in
General Court convened:*

1. Name Changed. The body of water in the towns of

New Hampton and Meredith now known as Pemigewasset Pond shall hereafter be called Pemigewasset Lake.

2. Takes Effect. This act shall take effect upon its passage.

[Approved May 19, 1937.]

CHAPTER 109.

AN ACT RELATING TO DAMAGE TO FRUIT TREES BY PROTECTED GAME.

SECTION

1. Payment for damage to fruit trees.

SECTION

2. Takes effect.

Be it enacted by the Senate and House of Representatives in General Court convened:

1. Payment for Damage to Fruit Trees. Amend section 21, chapter 197 of Public Laws, as amended by section 1 of chapter 124, of the Laws of 1935 by inserting after the word "crops" in line two the words, or fruit trees, so that said section as amended shall read as follows: **21. By Game.** A person who suffers loss or damage to annual crops or fruit trees, by game, shall, if he claims damages therefor, within ten days from the discovery thereof, notify the director in writing of such damage. The director or his agent shall investigate such claim within thirty days from the receipt by him of notice of such damage, determine whether such damage was caused by game, and appraise the amount thereof to be paid. The appraisal shall be made within sixty days from the receipt of the notice of damage; and the director shall present his certificate of the amount of his appraisal to the governor, who is authorized to draw his warrant upon the fish and game fund in payment therefor.

2. Takes Effect. This act shall take effect upon its passage.

[Approved May 20, 1937.]

CHAPTER 110.

AN ACT CHANGING THE NAME OF GORHAM POND TO LAKE GORHAM.

SECTION

1. Name changed.

SECTION

2. Takes effect.

Be it enacted by the Senate and House of Representatives in General Court convened:

1. Name Changed. The body of water in the town of Dunbarton now known as Gorham Pond shall hereafter be called Lake Gorham.

2. Takes Effect. This act shall take effect upon its passage.

[Approved May 20, 1937.]

CHAPTER 111.

AN ACT RELATIVE TO CLERK HIRE IN THE PROBATE OFFICE OF HILLSBOROUGH COUNTY.

SECTION

1. Hillsborough county probate office.

SECTION

2. Extra clerk hire.
3. Takes effect.

Be it enacted by the Senate and House of Representatives in General Court convened:

1. Hillsborough County Probate Office. Amend section 21, chapter 294 of the Public Laws, as amended by chapters 89 and 141 of the Laws of 1929, chapter 14, Laws of 1935 and chapter 105 of the Laws of 1935, by striking out the word "fifteen" in the sixth line and inserting in place thereof the words, two thousand, five, so that said section as amended shall read as follows: **21. Clerk Hire.** Registers of probate shall be allowed the following sums annually for clerk hire, payable monthly by the county:

In Rockingham county, eight hundred dollars.

In Merrimack county, nine hundred dollars.

In Hillsborough county, two thousand, five hundred dollars.

In Sullivan county, three hundred dollars.

In Grafton county, three hundred dollars.

In Coos county, one hundred and fifty dollars.

2. Extra Clerk Hire. The payment by Hillsborough county for extra clerk hire in the office of the register of probate for the period from February, 1935, to May, 1937, is hereby ratified.

3. Takes Effect. This act shall take effect upon its passage.

[Approved May 20, 1937.]

CHAPTER 112.

AN ACT TO CREATE A STATE BOARD OF ACCOUNTANCY.

SECTION

1. New chapter.
1. Definition.
2. Board of accountancy.
3. Certificates.
4. Examinations.
5. Exceptions.
6. Revocation.
7. Fees.

SECTION

8. Annual registration.
9. Neglect.
10. Penalties.
11. False statements.
12. Firms, etc.
13. Property in records, etc.
14. Saving clause.
2. Takes effect.

Be it enacted by the Senate and House of Representatives in General Court convened:

1. New Chapter. Amend chapter 270 of the Public Laws by striking out all of said chapter and inserting in place thereof the following:

CHAPTER 270

PUBLIC ACCOUNTANCY

1. Definition. When used in this chapter the term "certified public accountant" means a person skilled in the science and practice of accountancy who has received from the board of accountancy hereinafter created a certificate of his qualifications to practice as a certified public accountant, or who at the time of the passage of this chapter was legally registered as a public accountant.

2. Board of Accountancy. There is hereby created a board of accountancy to consist of three members to be appointed by the governor with the advice and consent of the council, all of whom shall be holders of certificates issued under the provisions of this chapter or under the provisions of chapter 127 of the Laws of 1921 heretofore known as chapter 270 of the

Public Laws. Members of the board must have held certificates as certified public accountants from the state of New Hampshire for a period of at least five years immediately preceding their appointment. At least two members of the board shall be actively engaged in the practice of public accounting at the time of their appointment. Those first appointed shall hold office, one for one year, one for two years, and one for three years and until their successors are appointed and qualified, the term of each to be designated by the governor and council in each appointment. Their successors shall be appointed for terms of three years and until their successors are appointed and qualified. No person shall be appointed to serve more than two consecutive terms. Vacancies occurring in the board may be filled by the governor with the advice and consent of the council by appointment for the unexpired term. The governor may, with the advice and consent of the council, after hearing, remove any member of the board for neglect of duty or other just cause. The board shall organize by the election of a chairman and a secretary-treasurer and may make all rules and regulations necessary to carry into effect the purposes of this act. A majority of members acting as a board shall constitute a quorum for the transaction of business. The board shall have a seal which shall be judicially noticed. The board shall keep a record of all the proceedings and actions by and before the board, and in any proceeding in a court a certificate under the seal of the board shall be *prima facie* evidence of any proceeding or action by or before the board stated in said certificate. Members of the board shall be compensated in the amount of five dollars per day for each day actually engaged in the duties of the office. In addition the secretary-treasurer shall be compensated in the amount of fifty dollars (\$50) per annum.

3. Certificates. The certificate of certified public accountant shall be granted by the board to any person who is a citizen of the United States, and who is a resident of the state of New Hampshire and has a place of business or is employed therein at the time of his application, and who is over the age of twenty-one years, and who is of good moral character, and who is a graduate of a high school with a four years' course or has had an equivalent education, and who shall have been in the employ of a certified public accountant for a period of at

least four years or who, in the opinion of the board, has had similar responsible experience, and who shall have successfully passed examinations in the theory and practice of general accounting, in auditing, in commercial law, and in such other related subjects as the board may deem advisable. This section is subject to the exceptions contained in section 5 of this chapter.

4. Examinations. All examinations provided for herein shall be conducted by the board. The examinations shall take place as often as may be necessary in the opinion of the board but not less frequently than once each year. The time and place of holding examinations shall be designated by the board. A candidate who shall have passed a satisfactory examination in all but one of the subjects given by the board for examination may be re-examined in that subject only, at subsequent examinations held by the board, and if he passes in that subject, he shall be considered to have passed the examination. Nothing in this law shall be construed as prohibiting the re-examination in all subjects of a candidate who has failed in a prior examination.

5. Exceptions. Nothing herein shall be construed as revoking any certificate as certified public accountant issued under chapter 127 of the Laws of 1921, hitherto known as chapter 270 of the Public Laws of the state of New Hampshire, provided that the holders of such certificates have complied with the provisions of annual registration, provided for in chapter 270 of the Public Laws of New Hampshire. The board of accountancy may, in its discretion waive the examination and residence requirements provided by section 3 of this chapter, and may issue a certificate as certified public accountant to any person possessing the other qualifications mentioned in section 3 of this chapter who is the holder of a certificate as certified public accountant issued under the laws of any state or territory, provided the requirements for such certificate in the state or territory which has granted it to the applicant are in the opinion of the board equivalent to those herein required; or who is the holder of a certificate as certified public accountant or the equivalent thereof issued in any foreign country, provided the requirements for such certificates are in the opinion of the board equivalent to those herein required; and further provided that such states, territories, or foreign

countries shall have reciprocal agreement with this state, whereby a resident of the state of New Hampshire holding a certificate as a certified public accountant, under the laws of the state of New Hampshire, may, upon application, obtain a certificate as a certified public accountant from said state, territory, or foreign country.

6. Revocation. The board of accountancy by majority vote thereof may permanently revoke or temporarily suspend the effect of the certificate of any certified public accountant who has been convicted of a felony by the courts of this state, or any other state, or has been guilty of any fraud or deceit in obtaining such certificate, or who has been guilty of wilful negligence or wrongful conduct in the practice of professional accountancy. Notice of the cause for such contemplated action and the date of hearing thereon by the board shall be mailed to the holder of such certificate at his or her registered address at least twenty days before said hearing. No certificate shall be revoked or the effect thereof suspended until the board shall have had such hearing, but the non-appearance of the holder of any certificate after notice as herein provided shall not prevent such hearing. At all such hearings the attorney-general, or an assistant designated by him shall appear and represent the interests of the public. By majority vote the board may reissue the certificate of any certified public accountant whose certificate shall have been revoked and may modify the effect of the suspension of any certificate which has been suspended.

7. Fees. The board of accountancy shall charge for the examinations provided for in this act the fee of twenty-five dollars. This fee shall be payable by the applicant at the time of making his or her initial application. In case the application is rejected, the fee shall be refunded. Should the applicant fail to pass the required examination, re-examination or subsequent examinations shall be given the same applicant for an additional fee of ten dollars for each examination. No additional fee shall be charged for the certificate of a successful applicant.

8. Annual Registration. All such certified public accountants shall practice in this state for one year after admission thereto. Annually, each certified public accountant shall register at the office of the board of accountancy giving his

then residence and place of business and such other information as the board may require. The annual fee for such registration shall be five dollars, to be paid to said board. Said board shall thereupon file a duplicate of the registration in the office of the secretary of state. Said accountant shall be entitled to a certificate from said board setting forth the fact of the annual registration, payment of the fee and recording thereof. The fees collected under this chapter shall be paid into the state treasury, and the state treasurer, on warrant of the governor, shall pay out of the funds so paid into the treasury all expenses incident to the examinations, the expenses of issuing certificates and fees and expenses of the members of the board while performing their duties under this chapter, and shall also place in the hands of the board of accountancy as a working fund such sums as the governor may approve, the same to be advanced out of the fees paid into the treasury by the board. An account thereof shall be made to the state treasurer monthly, or as much oftener as the governor and council shall direct. No expenses incurred under this chapter shall be a charge against the general funds of the state. The board shall annually report the number of certificates issued and the receipts and expenses under this chapter during each fiscal year to the governor and council.

9. Neglect. The name of any certified public accountant who fails to register within one month of the annual date of his admission to practice in this state shall be dropped from the records of the board and his certificate, as a certified public accountant, shall be forfeited, provided, however, that the board of accountancy may have the power to reinstate said certificate upon receipt of application and due consideration of the circumstances in connection with the case.

10. Penalties. If any person shall represent himself or herself to the public as having received a certificate as provided for in this chapter, or shall assume to practice as a certified public accountant without having received such certificate, or if any person having received such certificate shall thereafter lose the same by revocation or have the effect of the same suspended as provided for in this chapter and shall continue to practice as a certified public accountant, or if any person shall use such title, or the abbreviation "C. P. A.," or any other words, letters, or abbreviations tending to indicate that such person

is a certified public accountant without having received such certificate or after such certificate has been revoked or while it is suspended, such person shall be fined not exceeding five hundred dollars or be imprisoned not exceeding six months, or both such fine and imprisonment in the discretion of the court.

11. False Statements. If any person acting in the capacity of an accountant wilfully makes any false or misleading statement in writing in regard to any financial transaction or account, such person shall be fined not exceeding five hundred dollars, or be imprisoned not exceeding six months, or both such fine and imprisonment in the discretion of the court.

12. Firms, etc. Nothing contained in this chapter shall prevent the use in professional accounting practice of a firm name or partnership name, provided that partners or managers of such firm or partnership directly engaged in the conduct of such practice within this state shall hold certificates issued under this chapter, and nothing contained in this chapter shall prevent the employment of uncertified persons in subordinate capacities by a certified public accountant or by a firm or partnership, the resident partners or managers of which are certified public accountants.

13. Property in Records, etc. All statements, records, schedules, and memoranda made by a certified public accountant or by an employee or employees of a certified public accountant incident to or in the course of professional service to clients by such certified public accountant, except reports submitted by a certified public accountant to a client, shall be and remain the property of such certified public accountant, in the absence of written agreement between the certified public accountant and the client to the contrary.

14. Saving Clause. If any provision of this chapter or the application thereof to any person or circumstances is held invalid, the remainder of the act and the application of such provision to other persons or circumstances shall not be affected thereby.

2. Takes Effect. This act shall take effect upon its passage.

[Approved June 2, 1937.]

CHAPTER 113.

AN ACT RELATING TO THE REGISTRATION OF MOTOR VEHICLES,
TRAILERS, SEMI-TRAILERS AND TRACTORS, AND TO
OPERATORS' LICENSES.

SECTION

1. Motor vehicle registration.
2. Municipal permits.
3. Amendment.
4. Reduced fee.
5. Operator's license.
6. Registration.
7. Number plates.

SECTION

8. Fiscal year.
9. Temporary provisions for registration.
10. Temporary provisions for operator's licenses.
11. Takes effect.

Be it enacted by the Senate and House of Representatives in General Court convened:

1. Motor Vehicle Registration. Amend section 4, chapter 100 of the Public Laws by striking out said section and inserting in place thereof the following: **4. Expiration.** The registration of every motor vehicle, trailer, semi-trailer or tractor shall expire at midnight upon March thirty-first next following the date of its issue, unless otherwise provided.

2. Municipal Permits. Amend section 18 of said chapter 100 by striking out the words "December thirty-first of the year when issued" and inserting in place thereof the words, March thirty-first next following the date of their issue, so that said section as amended shall read as follows: **18. Expiration.** All permits for registration of motor vehicles provided for in this chapter shall expire at midnight upon March thirty-first next following the date of their issue.

3. Amendment. Amend section 12 of said chapter 100, as amended by chapter 5, Laws of 1929, and by chapter 76 of the Laws of 1937,* by striking out said section and inserting in place thereof the following: **12. Transfer Credits.** Upon the transfer of ownership of a motor vehicle the permit shall expire; provided that any owner who has paid a permit fee for a motor vehicle the ownership of which is transferred, or which is subsequently totally lost by fire, theft or accident, during the same fiscal year ending March thirty-first shall be entitled to a credit to the amount of any such permit fee or fees towards other permit fees which may be required of him in the same fiscal year; and provided further that a minimum amount of fifty cents in cash shall be paid for each permit

* Chapter 76, *ante*.

issued. No portion of any permit fee once paid shall be repaid to any person and from December first to March thirty-first such credits shall not exceed one third of the amount of the original fee.

4. Amendment. Amend section 15 of said chapter 100 by striking out the word "September" in the second line and inserting in place thereof the word December, and by striking out the word "December" in the third line and inserting in place thereof the word March, so that said section as amended shall read as follows: **15. Reduced Fee.** For permits issued under the provisions of this chapter during the period beginning with December first, and ending March thirty-first the fees shall be one third of the sum named in section 14.

5. Operator's License. Amend section 8 of chapter 101 of the Public Laws by striking out said section and inserting in place thereof the following: **8. Expiration.** All licenses to operate motor vehicles, except special non-resident certificates, shall expire on March thirty-first next following the date of their issue.

6. Registration. Amend paragraph VI of section 1 of chapter 102 of the Public Laws by striking out the word "September" and inserting in place thereof the word December, and by striking out the word "December" and inserting in place thereof the word March, so that said paragraph as amended shall read as follows: **VI.** For every motor vehicle owned by a non-resident who applies for registration under the provisions of chapter 100, section 26, and for every motor vehicle during the period beginning December first and ending March thirty-first in any year, one half of the foregoing fees; provided that, if such motor vehicle owned by a non-resident of this state is used, or is intended to be used for hire, the commissioner shall collect the full fee according to the rated weight and class herein provided.

7. Number Plates. Amend section 2 of chapter 103 of the Public Laws, as amended by chapter 76 of the Laws of 1927, by striking out said section and inserting in place thereof the following: **2. Use of.** No number plates other than those procured from the commissioner or such as may be authorized by him for temporary use, except as provided for non-residents, shall be displayed on any motor vehicle, trailer, semi-trailer or tractor so operated, but during the period from

March twenty-ninth to March thirty-first, inclusive, the owner of a vehicle which has been properly registered in accordance with the provisions of chapter 100 of the Public Laws for the succeeding fiscal year, may display in the manner provided herein in place of the number plates then in use the number plates for the succeeding fiscal year.

8. Fiscal Year. All sections of the motor vehicle laws referring to the calendar year are hereby amended in so far that such sections shall now apply to the fiscal year ending on March thirty-first.

9. Temporary Provisions for Registration. For the period from January first to March thirty-first, inclusive, 1938, the owner of a motor vehicle, trailer, semi-trailer or tractor which has been properly registered in accordance with the provisions of chapter 100 of the Public Laws for the year 1937, shall display on said motor vehicle, trailer, semi-trailer or tractor in the manner provided for by law, said 1937 number plates and such motor vehicles, trailers, semi-trailers or tractors displaying such number plates shall be deemed to be properly registered for the period ending March thirty-first. The registration of every motor vehicle, trailer, semi-trailer or tractor registered for the period from January first, 1938, to March thirty-first, 1938, shall expire at midnight on March thirty-first, 1938. For such registrations the commissioner may issue 1937 plates and such motor vehicles, trailers, semi-trailers or tractors displaying such 1937 number plates shall be deemed to be properly registered. For the registration of motor vehicles during the period from January first, 1938, to March thirty-first, 1938, no permit for registration as provided for in section 10, chapter 100, Public Laws shall be required.

10. Temporary Provisions for Operators' Licenses. For the period from January first to March thirty-first, inclusive, 1938, a person who has been properly licensed to operate a motor vehicle in accordance with the provisions of chapter 101 of the Public Laws may use such license in the manner provided by law, and shall be deemed to be properly licensed to operate a motor vehicle, for such period. All licenses to operate motor vehicles issued during the period from January first to March thirty-first, inclusive, 1938, for said period shall expire at midnight on March thirty-first, 1938. For such licenses the commissioner may issue 1937 licenses and a person

who has been properly licensed for said period may use such licenses in the manner provided by law and shall be deemed to be properly licensed to operate motor vehicles for such period. No fee shall be charged for licenses issued for such period.

11. Takes Effect. This act shall take effect at midnight December 31, 1937, except sections 3, 4 and 6, which shall take effect September 1, 1937.

[Approved June 2, 1937.]

CHAPTER 114.

AN ACT RELATIVE TO TAKING OF SUCKERS.

SECTION

1. Suckers.

2. Waters inhabited by brook trout.

SECTION

3. Takes effect.

Be it enacted by the Senate and House of Representatives in General Court convened:

1. Suckers. Amend chapter 201 of the Public Laws, as inserted by section 5, chapter 124, Laws of 1935, by inserting after section 20 a new section as follows: **20-a. Taking Authorized.** Suckers may be taken by the use of hand dip nets not over eighteen inches in diameter, or drop nets not over forty-eight inches in diameter, or by spear, from March first to June first and suckers may be taken at any time for bait with a trap made of wire or slats of a length not to exceed fifty inches and of a width not to exceed thirty inches, with an aperture for the entrance of fish not to be smaller than three and one-half inches. The provisions of section 20 shall not apply to persons taking suckers as provided by this section.

2. Waters Inhabited by Brook Trout. Amend section 18 of said chapter 201 by inserting after the word "by" in line five the word, brook, so that said section as amended shall read as follows: **18. Nets; Traps.** A dip net held in hand may be used to assist in the taking of fish attached to a hook. A circular drop net, not more than forty-eight inches in diameter, may be used for taking minnows for bait, from waters not inhabited by brook trout. Minnow traps may be set for taking minnows for bait, in waters inhabited by trout,

provided that no such trap shall exceed eighteen inches in length, and that the aperture therein for the entrance of fish shall not exceed one inch in diameter.

3. Takes Effect. This act shall take effect upon its passage.

[Approved June 2, 1937.]

CHAPTER 115.

AN ACT TO NAME THE HIGHWAY FROM WINCHESTER TO RINDGE.

SECTION

1. General James Reid highway.

SECTION

2. Takes effect.

Be it enacted by the Senate and House of Representatives in General Court convened:

1. General James Reid Highway. The highway extending from Winchester to Rindge through Richmond and Fitzwilliam shall hereafter be designated as the General James Reid Highway.

2. Takes Effect. This act shall take effect upon its passage.

[Approved June 3, 1937.]

CHAPTER 116.

AN ACT RELATING TO APPRAISAL OF TAXABLE PROPERTY.

SECTION

1. Appraisal of distinct interests.

2. Exception.

SECTION

3. Takes effect.

Be it enacted by the Senate and House of Representatives in General Court convened:

1. Appraisal. Amend section 2, chapter 63 of the Public Laws by striking out in line five the word "shall" and inserting in place thereof the word, may; further amend by adding at the end of said section the words, except as provided in the following section, so that said section as amended shall read as follows: **2. Distinct Interests.** Whenever it shall appear to the selectmen that several persons are owners of distinct interests in the same real estate, or that one person is owner of land and another is the owner of any building, timber or wood

standing thereon, or ores or minerals therein, they may, upon request, appraise such interests and assess the same to the owners thereof separately, except as provided in the following section.

2. Exception. Amend chapter 63 of the Public Laws by adding after section 2 a new section to read as follows: **2-a. Notice of Assessment.** Whenever one person shall build or erect a building on land of another, the land and the building may be taxed together as real estate to the owner of the land, provided one of the selectmen, prior to or at the time of their taking the invoice, gives notice in writing to the owner of the land, stating that they intend to tax such building as real estate to such owner of the land; and an affidavit, by the selectman or assessor giving the notice, that such notice was given, shall be evidence of the fact. In such case the owner of the land shall have a lien on such dwelling or other structure for the payment of said taxes.

3. Takes Effect. This act shall take effect upon its passage.

[Approved June 3, 1937.]

CHAPTER 117.

AN ACT TO INCREASE THE SALARY OF SOLICITOR OF CHESHIRE COUNTY.

SECTION

1. Salary of solicitor of Cheshire county.

SECTION

2. Takes effect.

Be it enacted by the Senate and House of Representatives in General Court convened:

1. Salary of Solicitor of Cheshire County. Amend section 20, chapter 16 of the Public Laws, as amended by chapters 76 and 152 of the Laws of 1931 and chapter 11 of the Laws of 1937,* by striking out the word "eight" after the word "Cheshire" in line 10 and inserting in place thereof the word, twelve, so that said section as amended shall read as follows: **20. Salaries.** The annual salaries of the solicitors in the several counties shall be as follows:

In Rockingham, fifteen hundred dollars;

In Strafford, twelve hundred dollars;

* Chapter 11, *ante*.

- In Belknap, nine hundred dollars;
 - In Carroll, eight hundred dollars;
 - In Merrimack, twelve hundred and fifty dollars;
 - In Hillsborough, twenty-five hundred dollars;
 - In Cheshire, twelve hundred dollars;
 - In Sullivan, twelve hundred dollars;
 - In Grafton, twelve hundred dollars;
 - In Coos, fifteen hundred dollars.
2. **Takes Effect.** This act shall take effect April 1, 1938.
[Approved June 3, 1937.]

CHAPTER 118.

AN ACT RELATIVE TO THE NEW HAMPSHIRE WATER RESOURCES BOARD.

SECTION	SECTION
1. Purposes defined.	7. Unlawful use of stored water.
2. Projects defined.	8. Removal.
3. Hearing, governor and council.	9. Governor and council, approval of contracts.
4. Project self-liquidating.	10. Water regulating committees.
5. Stored water; judicial de-termination of compensation.	11. Takes effect.
6. Eminent domain procedure.	

Be it enacted by the Senate and House of Representatives in General Court convened:

1. Purposes Defined. Amend section 1 of chapter 121 of the Laws of 1935 by inserting after the words “conservation and distribution of water” the words, and the regulation of the flow of rivers and streams, and by adding at the end thereof the following: It is further declared that there is a special public need for dams and reservoirs at strategic locations for regulating the flow of rivers and streams to lessen damages resulting from floods and to promote the state’s industrial and economic welfare, by enhancing the present and potential water power along the rivers and streams, and the construction, maintenance and operation of such dams and reservoirs within the state is a primary purpose of this act, so that as amended said section shall read as follows: **1. Declaration of Need.** It is hereby declared that there is a state-wide need for the conservation and distribution of water and the regulation of the flow of rivers and streams and that the public in-

terest, welfare and necessity require the construction of projects for the conservation, development, storage, distribution and utilization of water, and the corporation created hereunder shall be regarded as performing a governmental function in carrying out the provisions of this act. It is further declared that there is a special public need for dams and reservoirs at strategic locations for regulating the flow of rivers and streams to lessen damages resulting from floods and to promote the state's industrial and economic welfare, by enhancing the present and potential water power along the rivers and streams, and the construction, maintenance and operation of such dams and reservoirs within the state is a primary purpose of this act.

2. Projects Defined. Amend paragraph III of section 2 of said chapter 121 by striking out said paragraph and by substituting therefor the following:

III. The word "project" shall be deemed to include all property, rights, easements and franchises relating thereto and deemed necessary or convenient for its operation, and shall embrace all means of accomplishing the purposes set forth in section 1 hereof, including, without limiting the generality of the foregoing, reservoirs, dams, diversion and distribution canals, lateral ditches, pumping units, mains, pipe lines and water-works systems.

3. Hearing, Governor and Council. Amend section 6 of said chapter 121 by striking out the whole thereof and substituting in place thereof the following: **6. Project Reports; Hearing and Order.** Said board, before commencing any project, shall submit to the governor and council a report, including a detailed description and plan of the project, a detailed estimate of the total cost thereof and of the revenues to be derived therefrom. The governor and council, upon receiving such report, shall determine whether the project is of public use and benefit and within the authority conferred upon the board by this act. They shall cause a hearing to be held thereon and, if it shall appear that the project is of public use and benefit and within the authority conferred upon the board, they may, by written order, direct said board to proceed with such project. The governor and council shall order notice of the hearing upon any such report to be given in such manner as they shall deem fit.

4. Project Self-Liquidating. Amend section 7 by striking out the whole thereof and substituting in place thereof the following: **7. Contracts.** Upon receipt of the written order specified in section 6, said board, for the purpose of making such project so far as possible self-liquidating and self-supporting, shall proceed to make contracts in the name of the corporation with such persons or corporations as may be specially benefited by such project, including users of water in and outside the state for power or other purposes, covering the terms under which such persons or corporations shall pay for such benefits. No such contract shall extend for more than fifty years from the completion of the project. The compensation for the use of stored water or other benefits created by the projects shall be made equitable as between different users. All such contracts shall inure to the benefit of and bind the contracting users and their successors in title to the dams, water and flowage rights, generating plants, mills or other real estate constituting the property on account of whose benefit the compensation is payable.

5. Stored Water; Judicial Determination of Compensation. Amend said chapter 121 by inserting after section 7, the following new section: **7-a. Stored Water; Judicial Determination of Compensation.** If a user of water substantially benefited by a project shall decline to enter into a contract as above provided, or if the board and such user cannot agree upon the compensation to be paid by him, either party may, before or after the completion of such project, apply by petition in equity to the superior court for the county in which the benefited property is situated to determine such compensation. If the proceeding is brought by the corporation and such user files a disclaimer of any right to use stored water as defined in section 10, the petition shall be dismissed; otherwise the court, after hearing, shall determine the compensation for benefits justly payable by such user and enter a decree entitling him to make use of stored water subject to payment thereof and fixing the time and manner of such payment. The compensation fixed by the decree shall not exceed the benefit resulting or to result to the user, shall be proportioned to the compensation payable by other users under existing contracts relative to the same project, and may be made payable in

amortized or other instalments in the same manner as the compensation provided for in such contracts; and the court, in proper application and notice, may subsequently modify or revise the decree as justice may require. Any decree entered pursuant to this section and any subsequent modification or revision thereof shall inure to the benefit of and bind the user and his successors in title.

6. Eminent Domain Procedure. Amend section 8 of said chapter 121 by striking out the whole thereof and by substituting therefor the following: **8. Acquisition of Property.** For the purposes of any project within its authority under the provisions of this act, said corporation may acquire such land, easements, flowage rights and other rights in land hereinafter referred to as real estate, as may be needed by purchase, lease, or otherwise, and upon such terms, conditions and prices as the commission may deem reasonable. If, from any cause, it shall be unable so to acquire said real estate, it may institute proceedings for condemnation thereof for the use of the state in the manner hereinafter provided:

I. Said corporation shall cause a plan or location of the real estate proposed to be taken to be prepared and a copy thereof filed with the clerk of the superior court for each county in which any of such real estate is located and shall apply by petition to the superior court for the county in which such real estate is located, to acquire said real estate for and in the name of the state and to have assessed the damages occasioned by the taking. Such petition shall state the name and residence so far as known to said corporation of all persons claiming ownership of or interest in the real estate proposed to be taken. Where such real estate is located in more than one county the petition may be filed in either county.

II. The superior court, upon the filing of any such petition, shall order notice thereof to be given to all persons claiming ownership of or interest in such real estate to appear and present their claims at a time and place to be stated in the notice, by publication, and an attested copy of such notice shall be given in hand to, left at the usual place of residence or business of, or sent by registered mail to the last known address of all claimants whose names appear in the petition, fourteen days at least before the said date of hearing. The superior court, after notice to all parties interested, shall hear the pre-

liminary questions, if any, and all issues relating to title, and shall determine the rights and interests of any and all parties, and the findings and decree relating to such issues shall be final and subject to review only upon questions of law.

III. Upon final determination of any and all of said questions, the superior court shall, unless the parties elect a trial by jury, appoint a commission consisting of three suitable persons, to assess the damages occasioned by the taking. The commissioners, upon reasonable notice to all interested parties and after hearing, shall assess the damages and make report of such assessment to the superior court, and such action shall be taken thereon as justice may require. If either party shall so elect, before reference of such petition to a commission, the damages occasioned by the taking shall be assessed by jury.

IV. In trying any question of damages before said commissioners or by jury, the appraisal for taxation of such real estate, and in cases where less than the whole interest in real estate is sought to be acquired, the appraisal for taxation of such whole interest, by the selectmen or tax assessors for the tax year in which such application shall have been filed, and for as many preceding years as the commissioners or the court may consider relevant, shall be competent as evidence of value. The damages as determined shall be awarded to the owner or apportioned among the several owners in accordance with their several interests as determined and judgment shall be entered accordingly.

V. All such petitions shall be prosecuted to final judgment on behalf of the corporation by the attorney-general or such other person as may be designated by the governor and council.

VI. The corporation at any time after filing such petition may enter upon and take possession of the real estate upon providing such security as justice may require, to pay any damages occasioned by the entry or to satisfy any judgment which may be rendered on the petition. The amount of the security and all questions relating thereto may be determined by the superior court upon application of either party. The title to the real estate shall, upon payment or tender of the damages occasioned by the taking, be vested in the state. For purposes of surveying and other investigation, said corporation shall be entitled to enter upon any real estate, doing no un-

necessary damage, and the owner thereof may, if the parties are unable to agree, recover any damages sustained by him by reason of any preliminary entry authorized by this section, by action at law against said corporation. All real estate acquired under the provisions of this act shall be held in the name of the state. Forthwith upon the acquisition by the corporation in the name of the state, through purchase, condemnation, or otherwise, of any real estate, property or interest or easement therein, or of any water rights, such property or rights shall, without further action, and by virtue of this act, be and become dedicated to the use and purposes of the corporation.

7. Unlawful Use of Stored Water Defined. Amend section 10 by striking out the whole thereof and by substituting in place thereof the following: **10. Unlawful Use of Stored Water; Penalty.** As used in this act, the term "stored water" is hereby defined as water released from storage provided under the terms of this act in excess of the amount which would naturally flow at the time of such release if storage facilities had not been so provided and maintained. It shall be unlawful (1) for any person not entitled thereto under a contract as provided in section 7 or a judicial decree as provided in section 7-a wilfully to use for power or other purposes any stored water, or (2) for any person wilfully to interfere with the flow of any stored water except so far as necessary in making a reasonable use of the same under such a contract or decree or a reasonable use of the natural flow in the exercise of his rights as a riparian or littoral proprietor; and any person, firm or corporation guilty of such unlawful use of or interference with the flow of stored water shall, upon conviction thereof, be fined not exceeding five hundred dollars, and each and every day of such unlawful use or interference shall be a separate offense. The superior court sitting in equity shall have jurisdiction to enjoin the unlawful use of stored water and it shall be the duty of the attorney-general to prosecute proceedings for the enforcement of the provisions of this act; but no criminal prosecution or proceeding for injunction with respect to the use of stored water shall be instituted or prosecuted under this section against a user who is a party to a petition under section 7-a during the pendency of such petition.

8. Removal. Amend said chapter 121 of the Laws of 1935

by inserting after section 4 the following new section: **4-a. Removal.** The governor and council may at any time remove any director for inefficiency, neglect of duty or malfeasance in office; but no director shall be removed without a hearing, after notice in writing of the charges against him.

9. Governor and Council, Approval of Contracts. Amend said chapter 121 of the Laws of 1935 by inserting after section 6 the following new section: **6-a. Governor and Council, Approval of Contracts.** All contracts entered into by the board for the construction of a project or for the use of stored water shall be subject to the approval of the governor and council.

10. Water Regulating Committees, Duties. Amend section 11 of chapter 121 of the Laws of 1935 by striking out the whole thereof and by substituting therefor the following:

11. Water Regulating Committees. Said board shall appoint a committee or committees of such number as it may determine to regulate and direct the storage and release of water from each reservoir in such manner and at such times as shall be most beneficial for regulating the flow of rivers and streams to lessen damages resulting from floods or for supplying water to any political subdivision of the state for public or domestic use (provided that any such subdivision shall be required to pay to said board a fair and reasonable compensation as determined by said board for water so supplied) and subject thereto in accordance with the provisions of contracts entered into pursuant to section 7 hereof. The committee shall not interfere with or obstruct the flow of stored water released from any present or future water storage or conservation reservoir located upstream from said project. The members of such committees shall continue as such during the pleasure of the board, which shall promptly make new appointments whenever a vacancy occurs from any cause.

11. Takes Effect. This act shall take effect upon its passage.

[Approved June 9, 1937.]

CHAPTER 119.

AN ACT RELATING TO THE POWER OF COUNTIES AND TOWNS TO
INSURE THEIR PROPERTY.

SECTION

1. Authority of counties.
2. Town appropriations.

SECTION

3. Takes effect.

*Be it enacted by the Senate and House of Representatives in
General Court convened:*

1. Authority of Counties. Amend chapter 35 of the Public Laws by adding after section 2 thereof the following new section: **2-a. Insurance.** Every county shall have power to insure its property against loss by fire or other casualty in any company authorized to transact its business within this state.

2. Town Appropriations. Amend section 4 of chapter 42 of the Public Laws by adding after paragraph XXVII thereof the following new paragraph: **XXVIII. Insurance.** To purchase insurance necessary to protect the property of the town against loss by fire or other casualty in any company licensed to do business in this state.

3. Takes Effect. This act shall take effect upon its passage.

[Approved June 9, 1937.]

CHAPTER 120.

AN ACT PROVIDING FOR REGULATION OF EQUIPMENT AND OPERA-
TION OF BOATS ON PUBLIC WATERS.

SECTION

1. Regulation of boats by public
service commission.

SECTION

2. Takes effect.

*Be it enacted by the Senate and House of Representatives in
General Court convened:*

1. Public Service Commission. Amend section 11 of chapter 151 of the Public Laws by striking out the same and inserting in place thereof the following: **11. Regulation of Boats.** In the interest of public safety the public service commission may from time to time make rules and regulations relative to equipment and operation of all boats, including as such rafts and floats, of whatever kind, type or character

operated or used on any public waters in this state. Such rules and regulations shall be binding on the persons owning, leasing or operating such boats, rafts and floats.

2. Takes Effect. This act shall take effect thirty days after its passage.

[Approved June 9, 1937.]

CHAPTER 121.

AN ACT IN RELATION TO THE OPERATION OF CERTAIN BOATS.

SECTION

1. Operation of boats.

SECTION

2. Takes effect.

Be it enacted by the Senate and House of Representatives in General Court convened:

1. Operation of Boats. Amend chapter 378 of the Public Laws by inserting after section 26 thereof the following new section: **26-a. Intoxication.** It shall be unlawful for any person, while under the influence of intoxicating liquor or any narcotic or habit-producing drug, to operate upon any of the waters of this state any boat propelled by electric, naphtha, gasoline, steam or other mechanical power, or to operate such boat recklessly or so that the lives or safety of others may be endangered. Any person convicted of a violation of the foregoing prohibition shall not operate any boat as defined above upon the waters of this state for a period of one year from the date of such conviction. A person convicted of any violation of this section shall be fined not more than one hundred dollars, or imprisoned not more than six months or both.

2. Takes Effect. This act shall take effect upon its passage.

[Approved June 9, 1937.]

CHAPTER 122.

AN ACT RELATING TO BRIDGES ON THE SECONDARY SYSTEM OF HIGHWAYS.

SECTION

1. Bridges.
2. Secondary system of highways.

SECTION

3. Takes effect.

Be it enacted by the Senate and House of Representatives in General Court convened:

1. Bridges. Amend the first paragraph of section 2 of chapter 85 of the Public Laws, as amended by chapter 131 of the Laws of 1929, chapter 67 of the Laws of 1931 and section 3, chapter 26 of the Laws of 1935, by striking out the words "state-aided highway" and substituting therefor the words, highway on the secondary system of highways as established by chapter 67 of the Laws of 1937,* so that the said paragraph as amended shall read as follows: When public convenience and necessity require the building or rebuilding of any bridge on any highway on the secondary system of highways as established by chapter 67 of the Laws of 1937, the cost thereof shall be borne as follows:

2. Secondary System of Highways. Amend section 13 of chapter 85 of the Public Laws as amended by section 5, chapter 26, Laws of 1935, by striking out the entire section and substituting therefor the following: **13. Maintenance.** All bridges within any city, town, or place improved by the expenditure of said joint fund shall thereafter be maintained by the state or by the city, town, or place within which they are located in accordance with the designation as to maintenance as shown upon a map filed in the office of the secretary of state and designated, "Secondary State Highway System 1937," and to the satisfaction of the highway commissioner. In case any city, town or place whose duty it is to make repairs as designated by said map shall neglect to make such repairs as may be ordered by the commissioner, such repairs shall be made under his direction at the expense of the state, and the cost thereof plus six per cent shall be added to the state tax for such municipality for the next year.

* Chapter 67, *ante*.

3. **Takes Effect.** This act shall take effect upon its passage.

[Approved June 9, 1937.]

CHAPTER 123.

AN ACT IN RELATION TO THE POWERS AND DUTIES OF THE PUBLIC SERVICE COMMISSION IN REGARD TO RAILROAD CROSSINGS.

SECTION

1. Reconstruction of railroad crossings.

SECTION

2. Takes effect.

Be it enacted by the Senate and House of Representatives in General Court convened:

1. Railroad Crossings. Amend chapter 249 of the Public Laws by inserting after section 1 thereof the following new sections:

1-a. Reconstruction. The public service commission, upon petition of the proprietors of a railroad, or the state highway commissioner, whenever it finds after notice and hearing that the reconstruction of any overhead highway bridge or underpass located on any state highway, trunk line or state-aided highway, is necessary because of the increase in motor vehicular traffic or in the weight or speed of such traffic, may order such proprietors to rebuild at greater width or load capacity any such overhead highway bridge, or to widen the opening of any such highway underpass, and may apportion the cost of such reconstruction between the railroad, and the state in accordance with the relative benefit to be derived by each therefrom.

1-b. Cities and Towns. The public service commission, upon petition of the proprietors of a railroad and the selectmen of a town jointly, or the proprietors of a railroad and the mayor and council of a city jointly, whenever it finds after notice and hearing that the reconstruction of any overhead highway bridge or underpass located on any highway other than those specified in section 1-a, located within such town or city, is necessary because of the increase in motor vehicular traffic or in the weight or speed of such traffic, may order such proprietors to rebuild at greater width or load capacity any such overhead highway bridge, or to widen the opening of any

such highway underpass, and may apportion the cost of such reconstruction between the railroad, and the town or city in accordance with the relative benefit to be derived by each therefrom.

1-c. Apportionment. In making the apportionment provided in sections 1-a and 1-b hereof said commission shall give due consideration to whether the railroad or the highway was first constructed, to the nature and volume of highway traffic, to the number of trains operated by the railroad at the crossing, and all other relevant facts and circumstances. At any such hearing the commissioner of motor vehicles and the state highway commissioner shall sit and confer with the public service commission in an advisory capacity in the determination of the necessity for the proposed reconstruction and the apportionment of the cost of the same. After such reconstruction the abutments and super-structure of the bridge or underpass shall be maintained by the railroad, but the public service commission may direct that the wearing surface of the highway at the crossing be maintained by the state under section 1-a hereof, or by the town or city, if said town or city so elects, under section 1-b hereof, whenever it finds that justice so requires.

2. Takes Effect. This act shall take effect upon its passage.

[Approved June 10, 1937.]

CHAPTER 124.

AN ACT RELATIVE TO THE IMPROVEMENT OF THE APPROACHES TO THE GENERAL JOHN SULLIVAN AND ALEXANDER SCAMMELL BRIDGES.

SECTION

1. Acquisition authorized.
2. Eminent domain proceedings.
3. Administration.
4. Appropriation.
5. Bonds authorized.

SECTION

6. Accounts; sale; proceeds of sale.
7. Short-term notes.
8. Takes effect.

*Be it enacted by the Senate and House of Representatives in
General Court convened:*

1. Acquisition Authorized. The governor and council are hereby authorized and empowered to acquire for the state,

either by purchase or by eminent domain proceedings, real estate adjacent to the approaches of the General John Sullivan Memorial and the Alexander Scammell bridges necessary or suitable for park and recreational areas, as shown on plans filed in the office of the secretary of state entitled (1) Plan showing park areas at approaches to General John Sullivan bridge, and (2) Plan showing park area at westerly end of Alexander Scammell bridge, said land being situated in the city of Dover and the towns of Newington, Madbury and Durham.

2. Eminent Domain Proceedings. If the governor and council shall deem it necessary for the purposes aforesaid to institute eminent domain proceedings for the acquisition of said land the proceedings therefor shall be as provided in sections 18 to 28 of chapter 19 of the Public Laws.

3. Administration. The said park and recreational areas when acquired and established shall be administered by the New Hampshire toll bridge commission created by chapter 64, Laws of 1933. The commission is hereby authorized and empowered to operate and maintain such parks and recreational areas as may be established and to make such reasonable charges for their use as in its discretion may be necessary.

4. Appropriation. There is hereby appropriated a sum not exceeding forty thousand dollars (\$40,000) for the purpose of acquiring and establishing said park and recreational areas and in addition the revenues accruing from the park and recreational areas shall be available for the use of the commission in maintaining and administering the areas. Any net income accruing from the operation of the areas shall be used for the payment of the principal or interest upon the bonds hereinafter authorized. It is the intent and purpose of this act that the cost of establishing and maintaining the said park and recreational areas shall be paid exclusively from the proceeds of the bonds hereby authorized, from tolls accruing from the operation of the said bridges and from charges for the use of the said areas.

5. Bonds Authorized. The state treasurer is hereby authorized, under direction of the governor and council, to borrow upon the credit of the state not exceeding forty thousand dollars (\$40,000) for the purpose of carrying into effect the provisions of this act and for that purpose may issue bonds and notes in the name and on behalf of the state of New Hamp-

shire at a rate of interest to be determined by the governor and council. The maturity dates of such bonds shall be determined by the governor and council, but in no case shall they be later than twenty years from the date of issue and all bonds shall be callable at any time after twelve years. Such bonds and notes shall contain an express guarantee which shall be deemed a contract on the part of the state, that toll will be collected for the use of the said General John Sullivan and Alexander Scammell bridges, in accordance with the provisions of chapter 64, Laws of 1933, until the date of maturity of said bonds and notes or until sufficient money shall have accumulated to pay said notes and bonds and the interest thereon at the dates of maturity. Such bonds and notes shall be in such form and such denominations as the governor and council shall determine, may be registerable as to both principal and interest, shall be countersigned by the governor and shall be deemed a pledge of the faith and credit of the state. None of the tolls from the operation of the said bridges shall be available for the payment of the principal and interest on the bonds hereby authorized until after all the bonds issued previous to the date of this act in accordance with chapter 64, Laws of 1933, have been paid. When such previously issued bonds have been paid, then the tolls from the operation of the bridges shall be applied to the payment of the principal and interest on the bonds hereby authorized. In the event that the net income from the operation of the park and recreational areas shall not be sufficient to pay the interest on the bonds hereby authorized, such interest shall be paid from the highway funds, but when all the bonds issued pursuant to Laws of 1933, chapter 64, prior to the passage of this act have been retired, the highway fund shall be reimbursed the amount of interest paid by it in accordance with the provisions of this act.

6. Accounts; Sale; Proceeds of Sale. The secretary of state shall keep an account of all such bonds and notes countersigned by the governor, showing the number and amount of each bond and note, the time of countersigning, the date of delivery to the treasurer and the date of maturity. The state treasurer shall keep an account of each bond and note, showing the number thereof, the name of the person to whom sold, the amount received for the same, the date of the sale and the date of maturity. The treasurer may negotiate and sell such

bonds and notes by direction of the governor and council in such manner as they may determine most advantageous to the state. The proceeds of the sale of such bonds and notes shall be held by the treasurer and paid out by him upon warrants drawn by the governor for the purposes of this act alone and the governor, with the advice and consent of the council, shall draw his warrants for the payment from the funds provided for by this act of all sums expended or due for the purposes herein authorized.

7. Short-Term Notes. Prior to the issuance of bonds hereunder the treasurer, under the direction of the governor and council, may for the purposes hereof borrow money from time to time on short-term loans to be refunded by the issuance of the bonds hereunder.

8. Takes Effect. This act shall take effect upon its passage.

[Approved June 10, 1937.]

CHAPTER 125.

AN ACT RELATIVE TO SPEED REGULATIONS FOR THE OPERATION OF MOTOR VEHICLES.

SECTION	SECTION
1. Operation of motor vehicles.	3. Repeal.
2. Speed limit.	4. Takes effect.

Be it enacted by the Senate and House of Representatives in General Court convened:

1. Operation of Motor Vehicles. Amend section 17 of chapter 103 of the Public Laws, as amended by chapter 76 of the Laws of 1927, by striking out said section and inserting in place thereof the following: **17. Prohibition.** No person shall operate any motor vehicle upon any public highway of this state at any rate of speed greater than is reasonable, having regard to the width, traffic and use of such highway, intersection of other highways and weather conditions or so as to endanger the property or life or limb of any person. The commissioner of motor vehicles may determine a speed limit which is reasonable and safe on any public highway or bridge and may erect, or cause to be erected, signs indicating such speed limit.

2. Speed Limit. Amend said chapter 103 by inserting after section 17 as hereinbefore amended the following new sections:

17-a. Evidence. Any speed in excess of such limit shall be *prima facie* evidence that such speed is not reasonable and safe but the fact that the speed of a vehicle is lower than such limit shall not relieve the operator from the duty to decrease speed when a special hazard shall exist with respect to pedestrians or other traffic or by reason of weather or highway conditions and speed shall be decreased as may be necessary to avoid collision with any person, vehicle or other conveyance on or entering the highway in compliance with legal requirements of all persons to use due care. It shall be *prima facie* lawful for the driver of any vehicle to drive the same at a speed not exceeding the following but in any case when such speed is found to be unsafe it shall not be lawful:

I. Fifteen miles per hour when passing a school during school recess or while children are going to or leaving school during opening or closing hours.

II. Twenty miles per hour in any business district.

III. Twenty-five miles per hour in any residence district.

17-b. Minimum Speed Regulation. No person shall drive a motor vehicle at such a slow speed as to impede or block the normal and reasonable movement of traffic except when reduced speed is necessary for safe operation or in compliance with law.

17-c. Enforcement. Police officers are hereby authorized to enforce the provisions of the preceding section by directions to drivers, and in the event of apparent wilful disobedience of this provision and refusal to comply with direction of an officer in accordance therewith the continued slow operation by a driver shall be a misdemeanor.

17-d. Exceptions. The *prima facie* speed limitations set forth in section 17-a shall not apply to authorized emergency vehicles when responding to emergency calls and when the drivers thereof sound audible signals by bell, siren, or exhaust whistle. This exception shall not relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons using the street, nor shall it protect the driver of any such vehicle from the consequences of a reckless disregard of the safety of others.

3. **Repeal.** Section 18 of said chapter 103, as amended by chapter 76 of the Laws of 1927, relating to evidence of unlawful speed, is hereby repealed.

4. **Takes Effect.** This act shall take effect upon its passage.

[Approved June 10, 1937.]

CHAPTER 126.

AN ACT RELATIVE TO TEMPORARY NUMBER PLATES FOR MOTOR CYCLES.

SECTION

1. Temporary number plates for motor cycles.

SECTION

2. Takes effect.

Be it enacted by the Senate and House of Representatives in General Court convened:

1. **Motor Cycles.** Amend chapter 100 of the Public Laws by inserting after section 60, as inserted by section 4, chapter 73, Laws of 1935, the following new sections: **61. Temporary Number Plates.** A manufacturer or dealer in motor cycles shall, upon the sale or exchange of a motor cycle, attach to such motor cycle a set of temporary plates, and the purchaser of such motor cycle may operate the same for a period not to exceed five consecutive days thereafter without payment of a registration fee. **62. Notice.** A manufacturer or dealer of motor cycles shall, upon attaching a set of temporary number plates to a motor cycle sold or exchanged by him, immediately notify the commissioner of said sale or exchange, giving the name and address of the purchaser, the number on the temporary plate, and such further information as the commissioner may require. **63. Plates.** The commissioner shall furnish to a manufacturer or dealer in motor cycles such number of temporary number plates as he may require. Such temporary number plates shall be of such material and color as the commissioner may determine. **64. Fee.** The fee to be paid to the commissioner by the manufacturer or dealer in motor cycles for each set of temporary number plates shall be twenty cents.

2. **Takes Effect.** This act shall take effect upon its passage.

[Approved June 10, 1937.]

CHAPTER 127.

AN ACT RELATING TO SENDING OF PRESIDENTIAL CHECK-LISTS TO
THE STATE LIBRARY.

SECTION

1. Presidential elections.

SECTION

2. Takes effect.

*Be it enacted by the Senate and House of Representatives in
General Court convened:*

1. Presidential Elections. Amend section 28 of chapter 10 of the Public Laws by striking out said section and inserting in place thereof the following: **28. Check-lists.** Supervisors of towns and corresponding officers of cities shall, within seventy-two hours of the closing of the polls for each presidential election hereafter, send to the state library one of the check-lists used in said election, certified by said officers.

2. Takes Effect. This act shall take effect upon its passage.

[Approved June 10, 1937.]

CHAPTER 128.

AN ACT RELATING TO INCORPORATION OF INSURANCE COMPANIES.

SECTION

1. Insurance companies, powers.

SECTION

2. Takes effect.

*Be it enacted by the Senate and House of Representatives in
General Court convened:*

1. Insurance Companies. Amend paragraph I of section 1 of chapter 272 of the Public Laws, as amended by chapter 135 of the Laws of 1931, by inserting after the word "bombardment" in the fifth line the words, impact by aircraft or vehicles, so that said paragraph as amended shall read as follows: I. On property and rents and use and occupancy, against loss or damage by fire, smoke, smoke smudge, lightning, earthquake, hail, windstorm or other action of the elements; explosion (other than the explosion of steam boilers or flywheels); riot, strike or civil commotion; bombardment; impact by aircraft or vehicles; breakage or leakage of apparatus erected for extinguishing fires and on such apparatus against loss or damage by accidental injury and against liability of the insured for loss or damage to property caused thereby.

2. Takes Effect. This act shall take effect upon its passage.

[Approved June 10, 1937.]

CHAPTER 129.

AN ACT RELATIVE TO EXCEPTIONS TO THE LAW REGARDING ONE DAY REST IN SEVEN.

SECTION

1. One day rest in seven.

SECTION

2. Takes effect.

Be it enacted by the Senate and House of Representatives in General Court convened:

1. One Day Rest in Seven. Amend section 47 of chapter 176 of the Public Laws, as inserted by chapter 130 of the Laws of 1933, by adding at the end of paragraph III the words, or periodicals with definite on-sale news-stand dates, so that said section as amended shall read as follows:

47. Exceptions. Sections 44 and 45 shall not apply to the following employees:

I. Janitors, watchmen, firemen employed at stationary plants, or caretakers.

II. Employees whose duties on Sunday include only setting sponges in bakeries; caring for live animals or caring for machinery and plant equipment.

III. Employees engaged in the preparation, printing, publication, sale or delivery of newspapers, or periodicals with definite on-sale news-stand dates.

IV. Employees engaged in farm or personal service.

V. Employees engaged in any labor called for by an emergency which could not reasonably have been anticipated.

VI. Employees engaged in any work connected with the theatre or motion picture houses.

2. Takes Effect. This act shall take effect upon its passage.

[Approved June 10, 1937.]

CHAPTER 130.

AN ACT TO PROVIDE FOR THE CONSTRUCTION AND OPERATION OF
AN AERIAL TRAMWAY ON CANNON MOUNTAIN IN THE
FRANCONIA NOTCH.

SECTION

1. Declaration of purpose.
2. Aerial tramway.
3. Compensation of commission.
4. Powers.
5. Plans to be submitted and approved.
6. Control of public lands.
7. Appropriation.

SECTION

8. Bonds or notes authorized.
9. Short-term notes.
10. Revenue.
11. Separability clause.
12. Repeal.
13. Application of law.
14. Takes effect.

*Be it enacted by the Senate and House of Representatives in
General Court convened:*

1. Declaration of Purpose. It is hereby declared that the purposes of this act are to develop, promote and enhance the recreational resources of the state and further the public interest thereby.

2. Aerial Tramway. For the purpose of constructing an aerial tramway on Cannon Mountain in the Franconia Notch and for the further purpose of maintaining and operating the same together with the necessary appurtenances thereof after construction, there is hereby created an agency of the state composed of a commission of five members, not more than three of whom shall be of the same political party, to be known as the New Hampshire Aerial Tramway Commission, herein-after called the commission, composed of the comptroller *ex-officio* and four members to be appointed by the governor with the advice and consent of the council, one of whom shall be designated by the governor as chairman. The term of office of the first appointive members shall be one, two, three and four years respectively, the length of the term of each to be fixed in his commission and each shall continue in office until his successor has been appointed and qualified, subject to removal for cause by the governor and council. Thereafter each year beginning in the year 1938, one member of said commission shall be appointed for a term of four years. If a vacancy shall occur in said commission, it shall be filled for the remainder of the term. The majority of the commission shall constitute a quorum.

3. Compensation. The members of said commission shall be paid eight dollars a day, each, for such time as they are actually engaged in the service of the state and their actual expenses.

4. Powers. The commission shall have power (1) to construct, maintain, reconstruct and operate an aerial tramway on Cannon Mountain in the Franconia Notch; (2) to acquire, hold, and dispose of personal property for the purposes hereof; (3) to acquire in the name of the state, by purchase, condemnation, lease or otherwise, real property and rights or easement therein, deemed by it necessary or desirable for the purposes hereof, and to use such property; (4) to acquire any such real property by the exercise of the power of condemnation in the manner provided in sections 18 to 28 of chapter 19 of the Public Laws; (5) to charge and collect fees, fares and tolls for carriage and other services made available in connection with the tramway; (6) to make contracts on behalf of the state, with the United States, other states, public corporations or bodies existing therein, and private corporations and individuals; (7) to accept grants, permits and co-operation from the United States or any agency thereof in the construction, maintenance, reconstruction, operation, and financing of the tramway and/or its appurtenances and to do any and all things necessary in order to avail itself of such aid and co-operation; (8) to employ such assistants, agents and servants as it shall deem necessary or desirable for its purposes; (9) to exercise any of its powers in the public domain of the United States, unless the exercise of such powers is not permitted by the laws of the United States; and (10) to do all things necessary or incidental to the foregoing powers.

5. Plans to be Submitted and Approved. Said tramway and its termini and other appurtenances shall be designed, constructed and located in such manner that the same shall cause no damage to the Old Man of the Mountain and the immediate surroundings thereof and shall cause no substantial damage to the general scenic values in Franconia Notch and shall occasion no unnecessary destruction of forest growth in said area. Plans and specifications for the location and construction of such tramway, termini and appurtenances shall be submitted to the forestry and recreation commission and the governor and council and approved by them as complying with the pro-

visions of this section, before construction thereof shall be commenced. No changes shall be made in such plans and specifications so approved until such changes have been likewise submitted to the forestry and recreation commission and the governor and council and so approved by them. Nothing herein shall be construed to restrict in any way the authority of the tramway commission in the management, operation and control of the tramway, nor to limit the right of the tramway commission to enter into contracts for construction or for other purposes.

6. Control of Public Lands. To the extent that it may be necessary to carry out the provisions of this act, the commission shall have power to use and control public lands of the state. Forthwith upon the acquisition by the commission in the name of the state through purchase, condemnation or otherwise of any real property or interest or easement therein, such property or rights shall, without further action, and by virtue of this act, be and become dedicated to the uses and purposes of the commission.

7. Appropriation. A sum not exceeding \$250,000 is hereby raised, as hereinafter provided, and appropriated for the purposes aforementioned.

8. Bonds or Notes Authorized. The state treasurer is hereby authorized, under the direction of the governor and council, to borrow upon the credit of the state, not exceeding two hundred and fifty thousand dollars (\$250,000) for the purpose of carrying into effect the provisions of this act and for that purpose may issue bonds or notes in the name and on behalf of the state of New Hampshire at a rate of interest to be determined by the governor and council. The maturity dates of such bonds or notes shall be determined by the governor and council but in no case shall they be later than twenty years from the date of issue. Such bonds or notes may be renewed from time to time by the issuance of other such bonds or notes in the same manner but the maturity dates of such renewed bonds or notes shall not be later than twenty years from the date of the issue of the original bond or note renewed thereby. All such bonds or notes shall contain an express guarantee which shall be deemed a contract on the part of the state that fees, fares and tolls will be collected in accordance with the provisions hereof until the date of maturity

of said bonds or notes, or the renewals thereof, or until sufficient money shall have accumulated to pay said notes or bonds and the interest thereon at the dates of maturity, shall be in such form and such denominations as the governor and council shall determine, may be registerable as to both principal and interest, shall be countersigned by the governor and shall be deemed a pledge of the faith and credit of the state. The secretary of state shall keep an account of all such bonds or notes countersigned by the governor, showing the number and amount of each bond or note, the time of countersigning, the date of delivery to the treasurer and the date of maturity. The state treasurer shall keep an account of each bond or note showing the number thereof, the name of the person to whom sold, the amount received for the same, the date of the sale and the date of maturity. The treasurer may negotiate and sell such bonds or notes by direction of the governor and council in such manner as they may determine most advantageous to the state. The proceeds of the sale of such bonds or notes shall be held by the treasurer and paid out by him upon warrants drawn by the governor for the purposes of this act alone and the governor, with the advice and consent of the council, shall draw his warrants for the payment from the funds provided for herein of all sums expended or due for the purposes herein authorized.

9. Short-Term Notes. Prior to the issuance of bonds or notes hereunder the treasurer, under the direction of the governor and council, shall for the purposes hereof borrow money from time to time on short-term loans to be refunded by the issuance of the bonds or notes hereunder.

10. Revenue. There shall be collected for carriage upon the tramway provided for herein and for other services made available therewith such fares, tolls and charges as the commission shall deem reasonable. Such sums as are so collected shall be deposited with the state treasurer who shall keep the same in a separate account and the operating expenses and upkeep of said tramway and services shall be paid from said account. From the balance of said account remaining after the payment of the operating expenses and upkeep the governor, with the approval of the council, shall pay the interest and principal of the bonds or notes issued hereunder. During the construction of the tramway the governor may, if necessary,

draw his warrant upon the general fund to pay the interest due upon any bonds or notes that have been issued in accordance with the provisions hereof, but reimbursement for such payments shall be made to the general fund from revenue in the special fund herein created. When the principal and interest of all notes and bonds authorized hereunder have been paid or sufficient money has accumulated in said special fund to pay the same the balance of the special fund herein provided, after the payment of charges as herein authorized, shall be paid at such times as the governor and council shall direct into the general funds of the state.

11. Separability Clause. If any provision of this act, or the application thereof to any person or circumstance, is held invalid, the remainder of the act, and the application of such provision to other persons or circumstances, shall not be affected thereby.

12. Repeal. Chapter 108 of the Laws of 1935, as amended by chapter 132 of the Laws of 1935, and all acts or parts of acts inconsistent herewith are hereby repealed.

13. Application of Law. So far as the provisions of this act are inconsistent with the provisions of chapter 101 of the Laws of 1925, relative to the use and management of state lands in Franconia Notch acquired under the provisions thereof, the provisions of this act shall control.

14. Takes Effect. This act shall take effect upon its passage.

[Approved June 17, 1937.]

CHAPTER 131.

AN ACT RELATING TO PERMITS FOR ENTRIES TO PRIVATE CEMETERIES.

SECTION

1. Temporary right of way to private graveyard enclosures.

SECTION

2. Private graveyard.
3. Takes effect.

Be it enacted by the Senate and House of Representatives in General Court convened:

1. Temporary Right of Way to Private Graveyard Enclosures. Any person wishing to have a temporary right of entry over private land in order to enter a private graveyard

enclosure to which there is no public right of way may apply in writing to the selectmen of a town or the mayor of a city stating the reason for such request and the period of time for which such right is to be exercised. Said applicant shall also notify in writing the owner or occupier of the land over which the right of way is desired. The selectmen or mayor may, in their or his discretion, issue a permit for such temporary right of entry designating the particular place where said land may be crossed. The owner or occupier of said land may recommend said place of crossing which, if reasonable, shall be the place so designated by the selectmen or mayor.

2. Private Graveyard. Amend section 19 of chapter 380 of the Public Laws by striking out said section and inserting in place thereof the following: **19. Trespassing Stock.** If any stock, through the fault or negligence of the owner, is found trespassing upon any public burial place or upon any private graveyard protected by fencing, the owner shall be fined not more than twenty dollars, for the use of the town in which such place is situated.

3. Takes Effect. This act shall take effect upon its passage.

[Approved June 17, 1937.]

CHAPTER 132.

AN ACT RELATING TO TAKING OF RACCOON.

SECTION

1. Taking raccoons.

SECTION

2. Takes effect.

Be it enacted by the Senate and House of Representatives in General Court convened:

1. Open Season. Amend section 3, chapter 200 of the Public Laws, as amended by section 4, chapter 124 of the Laws of 1935, by striking out the whole of said section and inserting in place thereof the following: **3. Raccoons.** Raccoons may be taken and possessed with the aid or by the use of a dog and gun in Grafton County from October fifteenth to December first and in all the other counties of the state from October first to December first, and by the use of traps from November first to December first. No person shall take more than three raccoons from twelve noon of one day to twelve noon of

the following day, nor more than ten raccoons in one season. No person shall hunt raccoons at night by the use of a rifle larger than twenty-two calibre long, or a pistol or revolver larger than thirty-two calibre, or by the use of shotgun shells carrying shot larger than number two.

2. Takes Effect. This act shall take effect upon its passage.

[Approved June 17, 1937.]

CHAPTER 133.

AN ACT TO ESTABLISH A WATER CONTROL COMMISSION.

SECTION

WATER CONTROL COMMISSION

1. Number; term.
2. Definitions.
3. Chairman.
4. Removal.
5. Compensation.
6. Disqualification.
7. Special commissioner.
8. —, compensation.
9. Expenditures.
10. Clerks.
11. Seal.
12. Quorum.
13. Request of party.
14. Duties.

ERECTION AND INSPECTION OF DAMS

15. Building dams.
16. Plans required.
17. Penalty.
18. Supervision.
19. Order.
20. Inspecting dams.
21. Orders.
22. Appeals.
23. Penalty.
24. Injunctions.
25. Expenses.
26. Collection.
27. Disposal.

FLOWAGE

28. Right granted.
29. Conflicting claims.
30. Highways.

PROCEEDINGS BEFORE THE WATER CONTROL COMMISSION

31. Petition before flowing.
32. Notice.

SECTION

33. Hearing; order.
34. Effect of finding.

PROCEEDINGS IN COURT

35. Petition for assessment.
36. Contents.
37. Reference.
38. Hearing; report.
39. Order.
40. Jury trial.
41. Costs.
42. Damage to other land.
43. Petition before flowing.
44. Security for damages.

LIMITATION OF HYDRO-ELECTRIC CHARTERS

45. Termination of rights.
46. Forfeiture.

LAKE LEVELS INVESTIGATION

47. Levels of inland waters.
48. Report to governor and council.
49. Procedure when use unlawful.
50. Gifts or grants to the state.

LICENSE TO FLOW PUBLIC LANDS

51. License.
52. Deeds.

DAMS IN DISREPAIR; ACQUISITION BY MUNICIPALITY

53. Duty of owner.
54. Towns and cities may petition.
55. Commission to act.
56. Inspection.
57. Findings of disrepair.
58. Town may take dam.
59. Voters to authorize taking.
60. Special town meetings.

SECTION

61. Petition for taking.
62. Notice.
63. Hearing and findings.
64. Appeal on damages.
65. Costs.
66. Guardian *ad litem*.
67. Guardian's fees.
68. Town to pay judgment.
69. Employment of assistants.
70. Access to dam.

ADMINISTRATION, PROCEDURE,
APPEALS

71. Question of law.
72. Rules and regulations.
73. Penalties.
74. Conferences authorized.
75. Motion for rehearing.
76. Specifications.
77. Action on motion.
78. Appeal.
79. Petition.
80. Parties.

SECTION

81. Notice to commission.
82. Other notice.
83. Fees for copies.
84. Argument.
85. Burden of proof.
86. Additional evidence.
87. Taking.
88. Stay of proceedings.
89. Action of commission.
90. Subsequent proceedings.
91. Evidence, how considered.
92. Judgment.
93. Suspension of order.
94. Remedy exclusive.
95. Constitutionality.
96. Interstate commerce.
97. Records of public service commission.
98. Repeal.
99. Amendment.
100. Appropriation.
101. Towns may acquire dams.
102. Takes effect.

Be it enacted by the Senate and House of Representatives in General Court convened:

Water Control Commission

1. Number; Term. There shall be a water control commission consisting of five commissioners who shall be the five directors of the New Hampshire water resources board. The terms of the commissioners shall be the same as their respective terms as members of the board of directors of said board.

2. Definitions. Words and phrases used in this chapter shall mean and be construed as follows, except where a different meaning is clearly intended from the context:

I. "Commission," the water control commission.

II. "Person," includes copartnership, association, corporation or municipal corporation.

III. "Dam," a structure in or across a lake, pond, river or stream designed or intended to impound all or a part of the waters thereof.

IV. "Dam in Disrepair," a dam which is a menace to public safety, or incapable of safely impounding flood waters to its crest, or incapable of maintaining a reasonably constant level of waters impounded, or one which does not contain adequate gates and sluiceways to provide for the holding or controlled discharge of waters impounded.

V. "Mills," shall include both manufacturing plants and plants at which electric power is generated for public distribution or for the operation of mills, railroads or public utilities.

3. **Chairman.** The chairman of the water resources board shall be the chairman of the commission.

4. **Removal.** The governor and council may at any time remove any commissioner for inefficiency, neglect of duty or malfeasance in office; but no commissioner shall be removed without a hearing after notice in writing of the charges against him. Any commissioner so removed shall thereupon cease to be a director of the New Hampshire water resources board.

5. **Compensation.** All the commissioners, except the chairman, shall serve without salary but they may receive such compensation as may be fixed by the governor and council, with reasonable expenses incurred in the performance of their duties. The chairman shall receive such salary as may be fixed by the governor and council.

6. **Disqualification.** No commissioner shall sit upon the hearing of any question which the commission is to decide in a judicial capacity who would be disqualified for any cause, except knowledge of the facts involved gained in the performance of his official duties, to act as a juror upon the trial of the same matter in an action at law.

7. **Special Commissioner.** If a commissioner shall be disqualified or unable to act in any particular case pending before the commission, the governor, upon application of the commission, shall, with the consent of the council, appoint a special commissioner to act in his place upon said case.

8. ———, **Compensation.** The special commissioner so appointed shall be paid a reasonable compensation per day for his services, and his necessary expenses, to be allowed by the governor and council and paid from the state treasury.

9. **Expenditures.** In the exercise of the authority and performance of the duties herein prescribed, the commission may expend for engineers, experts, inspectors or assistants, or otherwise, such sums as may be appropriated for its use by the legislature, and, with the authority of the governor and council, such further sums as may in any emergency be necessary, such further sums to be paid out of any money in the treasury not otherwise appropriated.

10. Clerks. The commission may employ a clerk and any record, order, certificate or other process, document or paper issued or made by the commission may be signed by the clerk or by any commissioner.

11. Seal. The commission shall have an official seal in such form as it may prescribe, and all copies of official documents and orders filed or deposited with or made by said commission, duly certified and authenticated by said seal, shall be received in evidence in any court, in like manner as originals.

12. Quorum. A majority of the commission shall constitute a quorum to transact business, and any hearing or investigation may be held or conducted by one or more commissioners; but no order, rule or regulation shall be made and promulgated except by the full commission or a majority thereof.

13. Request of Party. No hearing or investigation shall be held or conducted by less than a majority of the commission if any party whose interests may be affected shall, five days before the date of hearing, file a request in writing that the same be held or conducted by the full commission, or a majority thereof.

14. Duties. The commission is authorized to make such investigations as in its opinion the public good requires, with respect to high or low water levels in the inland public waters of the state, and the rights, instrumentalities and practices whereby such levels are affected or controlled, with a view to the exercise of such control thereof, in a manner consistent with public and private rights and interests, as will best promote the public health and safety and the enjoyment and value of such public waters. In such cases as the commission may deem expedient it may ascertain the extent to which owners and managers of dams take into consideration variations of run-off and plan for and anticipate emergencies. Owners of dams at the reasonable request of the commission shall make available to the commission such records of water levels and flow of inland public waters as are made and kept by such owners to assist the commission in knowing the remaining storage capacity of reservoirs, whether created by dams or otherwise, and to gauge the flow of streams. From time to time the commission may call to conference owners of dams for the purpose of obtaining co-operation in the regulation of

stream flow to minimize damage to public and private property at times of high water. Whenever in the opinion of the commission an emergency exists or is threatened whereby the public health or safety may be jeopardized by the release or withholding of stored waters, it may recommend such action by the owner or manager of a dam with respect to the release or withholding of water as it may deem necessary in the public interest.

Erection and Inspection of Dams

15. Building Dams. No person shall begin the construction or reconstruction of any dam until ten days after he has filed with the commission a statement of the height of the proposed dam and the location at which it is to be erected and such other information as the commission may require.

16. ———, Plans Required. Within ten days after the receipt of the statement required under the preceding section, if the commission shall be of the opinion that the proposed dam, if improperly constructed, or reconstructed, would be a menace to the public safety, it shall so notify the owner or applicant, and the construction or reconstruction of such dam shall not be commenced until plans and specifications therefor shall have been filed with and approved by the commission.

17. ———, Penalty. Any person who violates the provisions of sections 15 or 16 hereof, or who aids or abets another therein, shall be fined not more than one hundred dollars.

18. ———, Supervision. The commission may designate some competent inspector to inspect the construction or reconstruction of any dam for which plans and specifications have been required under section 16 hereof and such inspector shall report to the commission any failure to comply with said plans and specifications.

19. ———, Orders. The commission may order the owner or contractor, while constructing or reconstructing any such dam, to remedy any defects caused by failure to comply with the requirements of the plans and specifications or to do anything necessary to make said construction comply with said plans and specifications; and on failure to comply with any such order the commission may order all work of construction on such dam to cease.

20. Inspecting Dams. It shall be the duty of the commission from time to time to cause all dams in the state which by reason of their condition, height or location may be a menace to the public safety, to be inspected by competent engineers.

21. ———, Orders. If such inspection shall indicate that the public safety requires the repairing or reconstruction of any such dam, the commission shall, after notice and hearing, order the owner thereof to make the requisite repairs or reconstruction within a period to be fixed by the order.

22. Appeals. All orders issued by the commission under the provisions of this subdivision shall be subject to the provisions for appeal herein provided for, but shall remain in force until modified or set aside on appeal.

23. Penalty. Any person disobeying any order of the commission made under the authority of this subdivision, or aiding or abetting therein, shall be fined not more than one thousand dollars.

24. Injunctions. On application of the commission, the superior court or any justice thereof may enjoin any act in violation of any lawful order of the commission.

25. Expenses. The expense of examining plans or specifications and of inspecting the construction or reconstruction of a dam as authorized in this subdivision, including the salaries of the regular employes of the commission for the time actually devoted to work necessary to such examination or inspection, shall be paid to the commission by the owner of the dam in connection with which it is incurred.

26. ———, Collection. If any owner shall not promptly pay the expense of such inspection, when requested by the commission, it may be collected in an action brought by the attorney-general in the name of the state.

27. ———, Disposal. All sums so received shall be paid to the state, and shall be added to the appropriation available for the use of the commission in the employment of experts.

Flowage

28. Right Granted. Any person or corporation authorized by its charter or articles of agreement so to do may erect and maintain on his or its land, or on land of another with the owner's consent, a dam upon or across any stream, or may increase by flashboards or permanently the height of any dam

already so maintained by him or it, for the purpose of raising the water to work any mill or mills on such stream or on another stream to which the same is tributary, or for the purpose of creating a reservoir of water or raising the level of a public or other lake or pond to control, conserve or equalize the flow of such stream or streams for the benefit of any such mill or mills, upon obtaining authority so to do as hereinafter provided.

29. Conflicting Claims. The provisions of this subdivision shall in no way affect any mill of other persons lawfully existing on the same stream, or any mill site or mill privilege of other persons on which a mill dam has been lawfully erected and used, or the right of any owner of such mill, mill site or mill privilege, unless the right to maintain on such last mentioned site or privilege shall have been lost or defeated by abandonment or otherwise, and non-user of any mill site or mill privilege for a period of six years shall be *prima facie* evidence of abandonment; nor shall they affect any flowage or other water rights heretofore acquired, or the right to maintain any dam heretofore constructed.

30. Highways. Said provisions shall not affect the right of any town in any highway or bridge which the town may be liable to keep in repair; nor shall they authorize any unreasonable interference with the use of any stream as a public highway for floating logs or otherwise.

Proceedings Before the Water Control Commission

31. Petition Before Flowing. Any person proposing to erect a dam, or to increase by flashboards or permanently the height of any existing dam, for any of the purposes provided in section 28, shall file a petition with the commission, setting forth the location, height and description of the proposed dam or proposed increase in any existing dam.

32. Notice. The commission shall thereupon fix a time and place for hearing the petition, and shall issue an order of notice to all parties interested, which shall be published for three successive weeks in some newspaper in the county in which the dam is to be erected or is situated, the last publication to be not less than fourteen days before the time fixed for hearing. Said order of notice shall be served on the attorney-

general, and such further notice, if any, shall be given as the commission may order.

33. Hearing; Order. The commission shall, after hearing, determine whether it will be of public use and benefit to grant the rights asked for, and in determining whether it will be of public use and benefit, shall give due consideration to the effect upon scenic and recreational values and upon fish and wild life and upon the natural flow of the water in the stream below the dam and any hazards to navigation, fishing, bathing and other public uses. The commission shall, in all cases, investigate the question whether the cutting clean and removal of all timber and tree growth from all or any part of the flowage area is reasonably required in the public interests; and in such cases as it shall find that such cutting clean and removal of all timber and tree growth from all or any part of the flowage area are so required, it shall be a condition to the exercise of such rights that such cutting clean and removal of all timber and tree growth shall be done. The commission shall, in its order, embody all its findings.

34. Effect of Finding. No other dam shall be erected to the injury of any proposed dam or any proposed increase in any existing dam, which in either case has been found to be for the public good by the commission in accordance with the provisions hereof, if the petitioner shall, within three years thereafter, or within such further time as the commission for good cause may grant, commence the construction thereof and thereafter prosecute said construction with reasonable diligence.

Proceedings in Court

35. Petition for Assessment. If the land of any person shall be overflowed, drained or otherwise injured by the use of any dam or addition thereto, and the damage shall not within thirty days after due notice thereof be satisfactorily adjusted by the party erecting or maintaining the dam or increase therein, either party may apply by petition to the superior court in the county or counties where such damage arises to have said damage that has been or may thereafter be done assessed.

36. ———, Contents. The petition shall set out the title and description of the premises damaged, the right by reason

whereof the grievance arises, the location of the dam and the extent of the damages that may be occasioned thereby.

37. Reference. The court, after notice to all persons interested, shall, unless the parties agree upon the judgment that shall be rendered, refer the petition to a committee of three disinterested persons, to be appointed by the court, to determine in relation to the matters set forth therein.

38. Hearing; Report. The committee shall give such notice to the parties as shall be ordered by the court, shall hear the parties, view the premises, estimate the damages and make report to the court at the next term thereof.

39. Order. Upon return of the report any person interested therein may object to its acceptance for any irregularity or improper conduct on the part of the committee, and the court may set it aside for cause. If the report shall be accepted and established the court shall render judgment thereon.

40. Jury Trial. Before reference of such petition to the committee, if either party shall so elect, the court shall direct an issue to the jury to try the facts alleged in the petition and to assess the damages, and judgment shall be rendered on the verdict of the jury.

41. Costs. The court may award costs to either party at its discretion.

42. Damage to Other Land. The committee or jury assessing the damage shall take into consideration any damage done to other land of the party flowed, as well as the damage occasioned to the land actually occupied.

43. Petition Before Flowing. Any person proposing to erect a dam or to increase permanently or by flashboards any existing dam, having obtained an order from the commission, as provided in section 33, may file in the superior court a petition setting forth the location, height and description of the proposed dam or increase in any existing dam, and the title and description of the land involved or the rights therein to be taken, and applying for the assessment of damages occasioned thereby in advance of the taking. The court shall then proceed in accordance with the provisions of sections 37 to 42 inclusive.

44. Security for Damages. Any person, upon filing a petition as provided by section 35 or section 43, may be required at

any time, upon application to the court in which such petition is filed, to give, within a reasonable time, such security as justice may require for any damages which have been or may be occasioned by such proceedings, or to satisfy any judgment which may be rendered therein; and no such person shall derive any title from the proceedings, or shall be discharged from any liability in relation to the premises, until the person aggrieved or damaged has been paid or tendered the amount of the judgment rendered.

Limitation of Hydro-Electric Charters

45. Termination of Rights. All rights, powers, privileges and franchises conferred upon any corporation, enabling such corporation to construct and maintain mill dams upon the streams of this state and to flow lands or do any other act necessary to the development of hydro-electric energy, shall terminate and be forfeited at the end of six years from the date on which the act of incorporation took effect, unless the actual work of constructing such dams or power plants shall be commenced during such six years, and be prosecuted with reasonable diligence thereafter until such dams and plants are completed and in operation.

46. Forfeiture. Upon the written complaint of any citizen filed with the attorney-general, setting forth that any corporation has failed to commence the actual work of constructing its dam or plant during the time limited by section 45, or has failed to prosecute the same with reasonable diligence thereafter until such dam or plant has been completed and in operation, it shall be the duty of the attorney-general to enforce by an appropriate proceeding a forfeiture of the rights, powers, privileges and franchises under which the corporation might have erected its dam or plant.

Lake Levels Investigation and Proceedings

47. Investigation of Levels of Inland Waters. The commission may, upon its own motion or at the request of the attorney-general or upon complaint of not less than ten owners of property on any inland public water in the state, make a preliminary investigation of conditions affecting the use and enjoyment of any such public water, whenever it shall be of the opinion that such investigation would be in the public in-

terest. If, as a result of any such preliminary investigation, it shall appear to the commission that the management and control of any outlet of any such public water and the instrumentalities connected therewith are carried on or used in such manner that the value of shore property above or riparian rights below such outlet or the enjoyment of such water by the public is seriously and adversely affected, it may make further investigation with a view to ascertaining the respective rights of all interested parties, including the public. If, as a result of such further investigation, the commission shall be of the opinion that such management and control is lawful, but that changes in the manner of the exercise of the right of management and control would be of benefit to others without injury to the owner of the outlet, it may recommend such changes as in its opinion would be of benefit to the public and private interests concerned.

48. Report to Governor and Council. If, as a result of such further investigation, the commission shall be of the opinion that such management and control of the outlet and the instrumentalities connected therewith is lawful, and that changes therein in the public interest would deprive the owner of the outlet or others of rights to which they are lawfully entitled and that such changes, notwithstanding such deprivation, would be for the public interest, it may estimate all damages which would be occasioned by such changes and all other costs connected therewith and report its findings to the governor and council.

49. Procedure When Use Unlawful. If, upon complaint of not less than ten owners of property on any inland public water in the state, the commission, after notice to the owner of the outlet thereof, which, if personal service is impractical in the opinion of the commission, may be by publication, and such other notice by publication or otherwise as the commission may order, and a hearing, shall be of the opinion that the management and control of any such outlet or the instrumentalities connected therewith is unlawful and contrary to the public interest, it shall report its findings to the attorney-general; and thereupon the attorney-general in the name of the state may institute appropriate proceedings in equity in the superior court and the court shall make such orders as may be necessary to protect the rights of the parties.

50. Gifts or Grants to the State. When in the opinion of the commission it is in the public interest for the state to accept gifts or grants of real estate, or any interest therein, contiguous to inland public waters, rivers or streams, the commission shall recommend such acceptance to the governor and council who may by resolution accept the same in the name of the state.

License to Flow Public Lands

51. License to Flow Public Lands. The governor and council may grant to the owner of a dam located at the outlet of an inland public water the right to flow public lands contiguous to such public water and its tributaries, when in the opinion of the commission it is in the public interest so to do and under such terms and conditions with respect to water levels and otherwise as the commission may specify.

52. Deeds. Any such grant of right of flowage and the conditions upon which the same is made shall be evidenced by deed executed in the name of the state by the governor and attested by the secretary of state and recorded in the county where the property is situated.

Dams in Disrepair; Acquisition by Municipality

53. Duty of Owner. The owner of a dam shall so maintain and repair it that it shall not become a dam in disrepair.

54. Towns and Cities May Petition. The selectmen of any town or mayor of any city in which the whole or a part of a dam is located, if they have reason to believe the dam may be in disrepair, may petition the commission for an investigation to determine whether such dam is in disrepair. The selectmen or mayor shall so petition the commission when requested so to do by twenty-five taxpayers of such town.

55. Commission to Act. The commission, upon its own motion or upon filing of a petition pursuant to the foregoing section, shall notify the owner of such dam of the filing of said petition and set a time and place for a hearing to determine whether such dam is in disrepair. Said notice shall be given at least twenty-one days before said hearing and may be given in hand to the owner or sent to him by registered mail, or at the option of the commission, said notice may be given by publication once each week for three successive weeks in some

newspaper of general circulation in the county in which the dam or any part thereof is located. If notice is given by publication, the first publication shall appear at least twenty-one days prior to the date of hearing. The commission shall file a copy of such notice in the registry of deeds in each county in which the dam is located.

56. Inspection. Upon receipt of such a petition the commission may, either before or after said hearing, cause an inspection of said dam to be made by a competent person, who may be one of its employees.

57. Findings of Disrepair. Pursuant to notice given by the commission, it shall hold a public hearing and find, upon evidence furnished by its employees or others, whether said dam is in disrepair. If it finds such dam in disrepair, it shall request the owner thereof to make the requisite repairs or reconstruction, within a period to be fixed by such request.

58. Town May Take Dam. If the owner shall fail to comply with such request, a town in which all or a portion of such dam is located may take by eminent domain proceedings before the commission, as hereinafter provided, such dam and other real estate, franchises, easements, flowage and other property, wherever located, necessary or desirable in the opinion of the commission to enable the town to construct, maintain, repair, own and operate the same. Eminent domain proceedings may not be taken by a town pending an appeal and final determination of such appeal.

59. Voters to Authorize Taking. Eminent domain proceedings shall not be taken under this act unless authorized by a vote of two thirds of all voters present and voting at an annual or special meeting of such town, at which a majority of all the legal voters are present and vote. A city desiring to initiate eminent domain proceedings under this act shall act through its mayor, whose action shall be authorized by a resolution of the city councils, passed by at least two thirds of all the members elected to each branch thereof. All other action hereunder by a city shall be by the mayor when authorized by a resolution of the city councils, passed by a majority of the members elected to each branch thereof.

60. Special Town Meetings. A special town meeting to authorize action hereunder may be called by the selectmen of any town by posting or causing to be posted a written or

printed copy of the warrant warning such meeting, at the place of meeting and at two other public places in the town, at least seven days previous to holding the meeting, including the day of holding such meeting. The selectmen shall leave, on or before the day of the meeting, a copy of such warrant with the town clerk, who shall record it. Upon petition of twenty-five taxpayers, the selectmen shall call a special town meeting to consider action hereunder.

61. Petition for Taking. If, within two years from the finding by the commission that a dam is in disrepair, a town in which a portion of such dam is located desires to take such property by eminent domain proceedings, the selectmen of said town may in writing so petition the commission. Such petition shall contain a statement of the amount of the town's indebtedness and its last assessed valuation, information as to how the town proposes to pay for said property, a certified copy of the vote of the town authorizing the taking of such property, a copy of the warrant calling the meeting at which such vote was passed, a statement of the number of legal voters, the number present and voting for and against the proposal, a description of the property sought to be acquired and its owners as appearing on the tax records of any town, and a list of such other persons believed by the selectmen to own property that may be flowed or affected as a result of maintaining said dam pursuant to findings and orders of the commission made under section 57 above.

62. Notice. Upon receipt of the petition provided for in section 61, the commission shall notify the owners of property likely to be affected by such proceedings, by publication, as provided in section 55 above, and set a time and place for a hearing to determine what property shall be taken by the town in order for it to acquire the dam and property affected thereby. Such notice shall be considered adequate as to all persons affected by these and all subsequent proceedings before the commission to acquire the said property.

63. Hearing and Findings. After said notice, a public hearing shall be held and the commission shall find, upon evidence furnished by its employees or others at the hearing, what property and rights are reasonably required by the town for the acquisition of the dam, other real estate, franchises, easements and other property necessary or desirable to enable

the town to construct, maintain, repair, own and operate the dam so it may not be or become a dam in disrepair, and if the commission shall find that payment for said property and rights will not cause to be exceeded the debt of said town as authorized by law, it shall determine the compensation to be paid therefor, and render judgment accordingly.

64. Appeal on Damages. Any party aggrieved by an order of the commission awarding damages may within sixty days after entry of the order file in the superior court of the county in which the land is wholly or partially located a petition to have the damages assessed by a jury, upon which petition notice shall be given, and the court shall assess such damages by jury.

65. ———, Costs. If the result of an appeal is to change the award of damages in favor of the appellant, he shall recover costs, otherwise he shall pay costs.

66. Guardian *ad litem*. If an owner or the owners of real estate, franchises, easements and other property affected by proceedings hereunder is under any legal disability and is not under guardianship in this state, or their residence is unknown or uncertain, the commission shall, upon application by the town, appoint a guardian *ad litem*, who shall represent the owner in the proceedings.

67. Guardian's Fees. The commission shall determine and fix the amount due to any guardian appointed by it for services and disbursements in connection with any proceedings hereunder and the portion thereof that justice requires shall be payable out of any award that may be made for any land or right of the ward that may be taken.

68. Town Required to Pay Judgment. A town shall expend such sums as may be necessary to satisfy any judgment of the commission pursuant to section 63 and any appeal therefrom and such sums may be taken from moneys (a) raised from the sale of bonds, sufficient authority for the issuance of which shall be the affirmative vote passed at the meeting referred to in section 59 hereof; (b) in the hands of the town treasurer not otherwise appropriated or held for a purpose not inconsistent therewith; (c) or voted for the purpose at any regular or special town meeting.

69. Employment of Assistants. A town, acting through its selectmen and a city through its mayor, may employ en-

gineers, counsel and others and defray other expenses incident to proceedings hereunder.

70. Access to Dam. Access to a dam and adjacent property may be had at all times by representatives of the commission or a town to carry out the purposes and intent hereof.

Administration, Procedure and Appeals

71. Question of Law. The commission may reserve, certify and transfer to the supreme court for decision any questions of law arising during the hearing of any matter before the commission.

72. Administration, Rules and Regulations. In administering this act the commission shall have the power to make orders hereunder, conduct hearings, subpoena and examine under oath owners of dams, their books, records, documents, correspondence and accounts, and any other person it deems necessary to carry out the purposes and intent of this act. The commission may adopt, promulgate and enforce such reasonable rules and regulations as are deemed necessary to carry out the provisions of this act.

73. Penalties. Anyone violating any provision of this act or order hereunder, or any rule or regulation of the commission made hereunder, or failing to answer a subpoena or to testify before the commission, except as herein otherwise provided, shall be fined not exceeding one hundred dollars or be imprisoned for not more than one year, or both, and each day during which such violation shall continue shall be deemed a separate violation.

74. Conferences Authorized. The commission shall have power to confer and agree with legally constituted similar commissions or authorities of other states; or agencies of the federal government.

75. Motion for Rehearing. Within twenty days after any order or decision has been made by the commission, any party to the action or proceeding before the commission or any person directly affected thereby, may apply for a rehearing in respect to any matter determined in the action or proceeding, or covered or included in the order, specifying in the motion for rehearing the ground therefor, and the commission may grant such rehearing if in its opinion good reason therefor is stated in said motion.

76. ———, **Specifications.** Such motion shall set forth fully every ground upon which it is claimed that the decision or order complained of is unlawful or unreasonable. No appeal from any order or decision of the commission shall be taken unless the appellant shall have made application for rehearing as herein provided, and when such application shall have been made, no ground not set forth therein shall be urged, relied on or given any consideration by the court, unless the court for good cause shown shall allow the appellant to specify additional grounds.

77. ———, **Action on Motion.** Upon the filing of such motion for rehearing, the commission shall within ten days either grant or deny the same, or suspend the order or decision complained of pending further consideration, and any order of suspension may be upon such terms and conditions as the commission may prescribe.

78. **Appeal.** Within thirty days after the application for a rehearing is denied, or if the application is granted, then within thirty days after the decision on such rehearing, the applicant may appeal by petition to the supreme court.

79. ———, **Petition.** Such petition shall state briefly, (a) the nature of the proceeding before the commission, (b) shall set forth the order or decision complained of, and (c) the grounds upon which the same is claimed to be unlawful or unreasonable upon which the petitioner will rely in the supreme court.

80. ———, **Parties.** Any person whose rights may be directly affected by said appeal may appear and become a party, or the court may order such persons to be joined as parties as justice may require.

81. ———, **Notice to Commission.** Upon the filing of an appeal, the clerk of court shall issue an order of notice requiring the commission to file with the court a certified copy of the record in the proceeding, together with such of the evidence introduced before or considered by the commission as may be specified by any party in interest, as well as such other evidence, so introduced and considered, as the commission may deem proper to certify, together with the originals or copies of all exhibits introduced in evidence before the commission.

82. ———, **Other Notice.** Such notice as the court may order shall also be given to persons who were parties to the

proceeding before the commission or who may be ordered joined by the court.

83. ———, Fees for Copies. The commission shall collect from the party taking the appeal a fee of ten cents per folio of one hundred words for the copy of the record and such testimony and exhibits as shall be transferred, and five cents per folio for manifold copies, and shall not be required to certify the record upon any such appeal, nor shall said appeal be considered until the fees for copies have been paid.

84. Argument. Upon the filing of said copy of the record, evidence and exhibits, the case shall be in order for argument at the next regular session of the court, unless the same be postponed for good cause shown.

85. Burden of Proof. Except as herein otherwise provided, upon the hearing the burden of proof shall be upon the party seeking to set aside any order or decision of the commission to show that the same is clearly unreasonable or unlawful, and all findings of the commission upon all questions of fact properly before it shall be deemed to be *prima facie* lawful and reasonable; and the order or decision appealed from shall not be set aside or vacated except for errors of law, unless the court is satisfied, by a clear preponderance of the evidence before it, that such order is unjust or unreasonable.

86. Additional Evidence. No new or additional evidence shall be introduced in the supreme court, but the case shall be determined upon the record and evidence transferred, except that in any case, if it shall be necessary in order that no party shall be deprived of any constitutional right, or if the court shall be of the opinion that justice requires the reception of evidence of facts which have occurred since the hearing, or which by reason of accident, mistake or misfortune could not have been offered before the commission, it may receive and consider additional evidence.

87. Taking. Such additional evidence may be taken before a single justice or otherwise, as the court may order.

88. Stay of Proceedings. If the court in any case shall hear new evidence such new evidence shall, upon the motion of any party, be transmitted by copy to the commission, and all proceedings shall be stayed for twenty days from the date of such transmission.

89. Action of Commission. Upon receipt of such evidence, the commission shall consider the same and may alter, modify, amend or rescind the order or decision appealed from, and shall report its action thereon to the court within said twenty days.

90. Subsequent Proceedings. If the commission shall rescind the order appealed from, the appeal shall be dismissed; if it shall alter, modify or amend the same, such altered, modified or amended order shall take the place of the original order complained of, and the court shall render judgment with reference thereto in said appeal as though said order had been made by the commission in the first instance, after allowing any amendments of the pleadings or other incidental proceedings desired by the parties which the changed situation may require.

91. Evidence, How Considered. All evidence transferred by the commission shall be, and all additional evidence received may be, considered by the court regardless of any technical rule which might have rendered the same inadmissible if originally offered in the trial of an action at law.

92. Judgment. The final judgment upon every appeal shall be a decree dismissing the appeal, or vacating the order complained of in whole or in part, as the case may be; but in case such order is wholly or partly vacated the court may also, in its discretion, remand the matter to the commission for such further proceedings, not inconsistent with the decree, as in the opinion of the commission justice may require.

93. Suspension of Order. No appeal or other proceedings taken from an order of the commission shall suspend the operation of such order; provided that the supreme court may order a suspension of such order pending the determination of such appeal or other proceedings whenever, in the opinion of the court, justice may require such suspension.

94. Remedy Exclusive. No proceeding other than the appeal herein provided for shall be maintained in any court of this state to set aside, enjoin the enforcement of or otherwise review or impeach any order of the commission, except as otherwise specially provided.

95. Constitutionality. If any provision of this act or the application thereof to any person or circumstances is held invalid, the remainder of the act and the application of such pro-

visions to other persons and circumstances shall not be affected thereby.

96. Interstate Commerce. Nothing herein shall be construed as applying to interstate or foreign commerce except as may be permitted by the federal constitution and laws enacted thereunder.

97. Records of Public Service Commission. All files and records of the public service commission which relate solely to dams, water levels of the inland public waters, or stream flow gauging, shall be by it transferred and delivered to the commission.

98. Repeal. Chapter 218 of the Public Laws is hereby amended by striking out sections 13 to 47, inclusive, as amended by chapter 59, Laws of 1931.

99. Amendment. Amend section 3 of chapter 244 of the Public Laws by striking out the same and inserting in lieu thereof the following so that said section as amended shall read as follows: **3. Procedure.** The commission shall, upon notice to all parties in interest, hear and determine the necessity for the right prayed for and the compensation to be paid therefor, and shall render judgment accordingly. In proceedings under this subdivision the provisions relating to flowage rights contained in an act to establish a water control commission shall not apply but when petitions to acquire flowage or drainage rights are filed the commission shall notify the water control commission.

100. Appropriation. For carrying out the purposes of this act a sum of seven thousand five hundred dollars (\$7,500) or so much thereof as may be necessary is hereby appropriated for the fiscal year beginning July 1, 1937, and a like sum for the fiscal year beginning July 1, 1938, such sums to be a charge against the funds provided by section 18, chapter 121, Laws of 1935, which funds, for the purposes hereof shall not lapse until July 31, 1939.

101. Towns May Acquire. Amend section 4 of chapter 42 of the Public Laws by inserting after paragraph XXVI the following new paragraph: **XXVI-a. Acquire Dams.** To acquire, construct, control and operate dams at the outlet of any inland body of water, some part of which lies within the

limits of the town, whether or not the outlet is beyond the town limits, when so to do will tend to improve the recreational value of such body of water.

102. Takes Effect. This act shall take effect upon its passage.

[Approved June 17, 1937.]

CHAPTER 134.

AN ACT CREATING A DEPARTMENT OF STATE POLICE.

SECTION	SECTION
1. Name of act.	12. Co-operation with other police forces.
2. Definitions.	13. Authority and duties of police employees.
3. Creating department of state police.	14. Power to take identification data.
4. Qualifications of superintendent; salary.	15. Criminal records, reports.
5. Establishing ranks and qualifications.	16. Restrictions in municipalities.
6. Superintendent's authority.	17. Transfer of equipment and personnel.
7. Training facilities and requirements.	18. Appropriation.
8. Power to make regulations.	19. Repeal.
9. Departmental uniforms and equipment.	20. Annual report and special reports.
10. Traveling expense to be allowed.	21. Disposition of state revenue.
11. Rewards paid to treasury.	22. Saving clause.
	23. Takes effect.

Be it enacted by the Senate and House of Representatives in General Court convened:

1. Name of Act. This act shall be known as the "State Police Act."

2. Definitions. As used in this act:

I. "Department," shall mean the department of state police created by this act.

II. "Employee," shall mean any employee of the department of state police.

III. "Police employee," shall mean any employee who is assigned to police work.

IV. "Civilian employee," shall mean any employee of the department assigned to a position other than that of a police employee.

3. Creating Department of State Police. There is hereby created a department of state police. The head of the department shall be designated superintendent and he shall be

appointed by the governor with the advice and consent of the council, to serve for a term of five years or is removed for cause. Causes for removal from office shall be misconduct or incompetency. Misconduct shall include in its meaning failure competently to perform his official duties; the taking of any part, directly or indirectly, in a political campaign, rally, caucus or other political gathering other than to vote; failure to be of good behavior. He may be removed by the governor and council only after charges have been preferred in writing and, if he so requests, after public hearing.

4. Qualifications of Superintendent; Salary. The superintendent shall be a citizen of the United States and have had experience in investigation of crime and criminal prosecution at the time of his appointment. Said superintendent shall give bond, in such sum as the governor and council may determine, for the faithful discharge of his duties. The annual salary of said superintendent shall be four thousand dollars.

5. Establishing Ranks and Qualifications. The superintendent shall establish a suitable classification of grades, positions and ranks for employees and responsibility. For each such grade, position and rank, the superintendent shall fix standards of health, education, training and experience, and prescribe, with the approval of the governor and council, the salaries to be paid.

6. Superintendent's Authority. Any police employee may be suspended, discharged or demoted by the superintendent for cause but shall be entitled to a public hearing if he so requests.

7. Training Facilities and Requirements. The superintendent shall arrange for the training of employees of the department and such training facilities as may be developed shall be available under such reasonable regulations as he may prescribe to any local governmental unit within the state.

8. Power to Make Regulations. The superintendent shall have authority, with the approval of the governor and council, to make such reasonable rules and regulations as may be desirable for the efficient administration of the department. He shall from time to time, in accordance with any such rules and regulations which may be adopted, designate or change the rank or grade to be held by any or all employees. He shall have authority, within the limits of the appropriation for said department, to employ such civilian employees as may be

necessary and shall have authority to determine the duties of all employees and to determine what employees shall give bonds and in what sums.

9. Departmental Uniforms and Equipment. The superintendent shall provide for the employees uniforms and equipment necessary to the performance of their respective duties, but all such property shall remain the property of the state. The superintendent is empowered to sell such uniforms and equipment as shall have become damaged, obsolete, or otherwise unserviceable and all moneys received therefor shall be paid into the state treasury. He shall maintain an inventory and shall charge against each employee the value of the property of the department issued to him. If it shall be determined by the superintendent that any loss or destruction of such property was due to carelessness or neglect on the part of such employee, the value of such property shall be paid for by him and the amount thereof may be deducted from the pay of such employee.

10. Traveling Expenses to be Allowed. The superintendent shall have authority to approve vouchers to be paid out of the department's funds in payment of expenses incurred by employees in the discharge of their duties.

11. Rewards Paid to Treasury. Any fee for the performance of an act in line of duty or reward for the apprehension or the conviction of any person, or for the recovery of any property, received by or payable to any employee, shall be paid by him to the superintendent who shall immediately forward the same to the state treasurer. All fines and costs assessed against any violator of law apprehended or prosecuted by a police employee, except such as may be assessed against persons committing or attempting to commit a felony, shall be sent, by the court collecting the same from such law violator, to the superintendent within five days from their payment, and by him immediately paid into the state treasury.

12. Co-operation with Other Police Forces. The superintendent and employees shall co-operate and exchange information with any other law enforcement agency both within and without this state, including federal authorities, for the purpose of preventing and detecting crime and apprehending criminals. The superintendent may, on the request of any responsible official of any such agency, assist such official by

detailing to him such police employees, for such length of time and under such conditions as the superintendent may deem proper.

13. Authority and Duties of Police Employees. Police employees shall be *ex-officiis* constables throughout the state, shall patrol the highways, enforce the highway traffic laws and regulations, enforce the motor vehicle laws relative thereto and the superintendent shall report to the commissioner of motor vehicles all violations of and prosecutions under the motor vehicle laws. Police employees shall have general power to enforce all criminal laws of the state and to serve criminal processes and make arrests, under proper warrants, in all counties. They shall not serve civil processes. No police employee shall act, be used or called upon for service within any town in any industrial dispute unless actual violence has occurred therein, and then only upon order of the governor. When any police employee shall apprehend any person who has committed or attempted to commit a felony the superintendent shall immediately make a report to the solicitor and the sheriff of the county in which the offense was, or was suspected of being, committed and such cases shall be investigated and prosecuted by said county officials with the co-operation of said police employees.

14. Power to Take Identification Data. The employees shall have authority to take fingerprints and, in addition thereto, such identification data as shall be prescribed by the superintendent of all persons taken into custody by them in the discharge of their duties.

15. Criminal Records, Reports. The superintendent shall make such rules and regulations as may be necessary to secure records and other information relative to persons who have been or shall hereafter be convicted of a felony or an attempt to commit a felony within the state, or who are known to be habitual criminals, or who have been placed under arrest in criminal proceedings. Such records and information shall not be open to the inspection of any person except those who may be authorized to inspect the same by the superintendent. The clerks of the superior and municipal courts, or if there is no clerk the justice thereof, sheriffs, deputy sheriffs, police officers, jailers and superintendents of houses of correction are hereby required to secure and forward to the superintendent

all such information as he may direct relative to persons brought before said courts or arrested or in the custody of such officers in criminal proceedings. Any person violating the provisions of this section or any rule or regulation made hereunder shall be fined twenty-five dollars for each offense.

16. Restrictions in Municipalities. A police employee shall not act within the limits of any town or city having an organized police force, except when he witnesses a crime or is in pursuit of a law violator or suspected violator, or when in search of a person wanted for a crime committed outside its limits, or when in search of a witness of such a crime or when requested to act by an official of another law enforcing agency, as provided under section 12, or when ordered by the governor.

17. Transfer of Equipment and Personnel. The equipment and records of the state investigator acquired pursuant to chapter 152 of the Laws of 1933 and all motor vehicles, motor cycles, uniforms, all side arms and all other equipment owned by the state and heretofore used in connection with the motor vehicle department for highway patrol work shall be transferred to the department. The initial personnel of the department shall be made up from such motor vehicle examiners as have under existing law been heretofore assigned by the motor vehicle commissioner as a special uniformed division for highway patrol work and the personnel of the department of the state investigator who shall, at the time of the passage of this act, be transferred to and become employees of the department.

18. Appropriation. For the purposes of this act there is hereby appropriated the sum of one hundred and sixty thousand dollars (\$160,000) annually. Of this sum the sum of one hundred and fifty thousand dollars shall be a charge upon the funds received by the state treasurer from fees collected by the motor vehicle department from the registration and licensing of motor vehicles and operators, and the sum of ten thousand dollars shall be a charge upon the general funds of the treasury.

19. Repeal. Sections 13-a to 13-e, inclusive, of chapter 16 of the Public Laws, as inserted by chapter 152 of the Laws of 1933, are hereby repealed.

20. Annual Report and Special Reports. On or before July thirty-first in each year the superintendent shall make a

report to the governor concerning the activities of the department. The report shall include such recommendations as the superintendent may deem desirable to the administration of the department. Upon request of the governor, or upon his own initiative the superintendent may at any time submit special reports.

21. Disposition of State Revenue. Amend section 11 of chapter 15 of the Public Laws, as amended by section 2 of chapter 130 of the Laws of 1927, as amended by section 2 of chapter 140 of the Laws of 1935, by striking out the same and inserting in place thereof the following: **11.* Application of Receipts.** Moneys received by the state treasurer, as provided in section 10, shall be available for general revenue of the state with the following exceptions: Moneys received by the fish and game department, which shall be credited to the fish and game fund; fees from the motor vehicle department, which, after deducting the amount allowed by the legislature for maintaining said department and one hundred and fifty thousand dollars annually for maintaining in part the department of state police, shall be credited to the highway department for maintenance of highways; fines and costs from the department of state police shall be credited to the highway department for maintenance of highways; revenues from fees, rentals and the sale of products from lands under the jurisdiction of the forestry and recreation commission which shall be credited as provided for in chapter 192 of the Public Laws; and the fees collected by the public service commission of railroads, public utilities and owners of dams for money paid out by the commission to experts and assistants not in its regular employ, which fees shall be appropriated to reimburse the state for money so paid out. The full amount allowed for the maintenance of each institution and department shall be appropriated by each legislature for the biennial period next following, and the money derived from the sale of farm and minor industrial products of institutions shall be credited to the appropriation for the institution from which derived.

22. Saving Clause. In case any phrase or provision hereof shall be declared unconstitutional, the remaining provisions hereof shall not by reason thereof be invalid and the re-

* Amended, chapter 151, *post*.

mainder of the act and its application shall not be affected thereby.

23. Takes Effect. This act shall take effect July 1, 1937.
[Approved June 29, 1937.]

CHAPTER 135.

AN ACT RELATING TO THE AMOUNT OF COMPENSATION THAT
MAY BE PAID WEEKLY FOR DISABILITY UNDER
THE WORKMEN'S COMPENSATION LAW.

SECTION

1. Compensation for disability increased.

SECTION

2. Takes effect.

*Be it enacted by the Senate and House of Representatives in
General Court convened:*

1. Compensation for Disability Increased. Amend section 24 of chapter 178 of the Public Laws by striking out the word "fifteen" and inserting in place thereof the word seventeen, so that said section, as amended, shall read as follows: **24. Limit of Compensation.** In no event shall any compensation paid under this subdivision exceed the damage suffered, nor shall any weekly payment in any event exceed seventeen dollars, or extend over more than three hundred weeks from the date of the accident. Such payment shall continue for such period of three hundred weeks, if total or partial disability continues during such period. No such payment shall be due or payable for any time prior to the giving of the notice required by section 15.

2. Takes Effect. This act shall take effect June 30, 1937.
[Approved June 29, 1937.]

CHAPTER 136.

AN ACT RELATING TO HUNTING OF DEER.

SECTION

1. Taking wild deer.

SECTION

2. Takes effect.

*Be it enacted by the Senate and House of Representatives in
General Court convened:*

1. Wild Deer. Amend section 2 of chapter 198 of the Public Laws, as inserted by section 2, chapter 124, of the Laws of

1935, by striking out the whole of said section and inserting in place thereof the following: **2. Taking, Time.** Wild deer, outside of private game preserves, may be hunted and taken after six a. m. and before five p. m. in the counties of Carroll, Coos and Grafton from November first to December first, and in all other counties in the state from December first to December sixteenth, except that no deer shall be hunted or taken at any time on any island or in any waters in lakes and ponds.

2. Takes Effect. This act shall take effect upon its passage.

[Approved June 29, 1937.]

CHAPTER 137.

AN ACT RELATING TO LIABILITY INSURANCE.

SECTION

1. Liability insurance.

SECTION

2. Takes effect.

Be it enacted by the Senate and House of Representatives in General Court convened:

1. Liability Insurance. Amend chapter 279 of the Public Laws by inserting after section 3 the following new section to read as follows: **3-a. Reinsurance.** No insurer authorized to do business in this state shall reinsure or assume any risk, or any part thereof, in this state underwritten by an unadmitted company.

2. Takes Effect. This act shall take effect upon its passage.

[Approved June 29, 1937.]

CHAPTER 138.

AN ACT RELATING TO THE TAXATION OF DOMESTIC RABBITS.

SECTION

1. Taxation of domestic rabbits.

SECTION

2. Takes effect.

Be it enacted by the Senate and House of Representatives in General Court convened:

1. Taxation of Personal Property. Amend section 14 of chapter 60 of the Public Laws by inserting after paragraph IX,

as inserted by chapter 38 of the Laws of 1933, the following new paragraph: **X. Domestic Rabbits.** Domestic rabbits of every description over two months old in excess of the aggregate value of fifty dollars.

2. Takes Effect. This act shall take effect upon its passage.

[Approved June 29, 1937.]

CHAPTER 139.

AN ACT TO PROVIDE FOR CO-OPERATION BY THE STATE WITH THE
MERRIMACK RIVER VALLEY FLOOD CONTROL COMMISSION IN
THE ACQUISITION OF LANDS, EASEMENTS AND RIGHTS
OF WAY ESSENTIAL FOR FLOOD CONTROL PURPOSES, AND TO ENABLE THE STATE TO
COMPLY WITH THE PROVISIONS OF THE
COMPACT ENTERED INTO BY IT
WITH THE COMMONWEALTH
OF MASSACHUSETTS AND
FOR OTHER PURPOSES.

SECTION

1. Acquisition of lands and rights for reservoirs.
2. Lands, easements and rights of way, lease of.
3. Relocations.

SECTION

4. Rights of state in reservoirs, how exercised.
5. Board, studies, reports.
6. Takes effect.

Be it enacted by the Senate and House of Representatives in General Court convened:

1. Acquisition of Lands and Rights for Reservoirs. In the acquisition of lands, easements and rights of way in the state of New Hampshire, provided in and by the terms of the compact or agreement between the state and the commonwealth of Massachusetts for the purpose of flood control in the Merrimack river basin, to be procured by the state, the New Hampshire water resources board shall be the agency of the state for that purpose. Said board is authorized and empowered, upon the request of the Merrimack river valley flood control commission, with the approval of the governor and council, to proceed forthwith to acquire title to and possession of such lands, easements and rights of way, including property or facilities in public use, any railroad, electric transmission or

distribution lines, telephone or telegraph lines, pipe lines, aqueducts, water mains, gas mains or other public utility structure located thereon, within this state as are determined and designated by the commission for the construction of any reservoir or reservoirs authorized under said compact or agreement. Said board shall acquire the same, including such property or facilities in public use, either by purchase or by the exercise of the right of eminent domain, as said commission may direct. In the taking of such lands, easements, rights of way or property or facilities in public use by the exercise of eminent domain, said board is hereby authorized and empowered to proceed in the manner provided by chapter 121 of the Laws of 1935 and amendments thereto. Said board is further authorized and empowered, with the approval of the governor and council, to enter into any contract or agreement with such public officials having authority with reference to property or facilities in public use and with such public utility or railroad providing for the removal of such property or facilities in public use, or such railroad, electric transmission or distribution lines, telephone or telegraph lines, pipe lines, aqueducts, water mains, gas mains or other public utility structures to such new location, under such terms and conditions as may be agreed upon, and without expense to such town, person, public utility or railroad, and said board for the purpose of providing any such new location or locations may acquire lands, easements, rights of way, property or facilities by purchase or by eminent domain, as herein provided. In all such cases the title may be taken either in the name of the board or of the town, person, public utility or railroad, and if taken in the name of the board, may be conveyed to the town, person, public utility or railroad in compliance with such agreement or contract. In the purchase or acquisition of lands, easements and rights of way hereunder the actual occupants thereof since May 1, 1937, whether owners or tenants, shall be paid fair compensation for any loss occasioned thereby and any such occupant who moves to a new location in the state shall be reimbursed for costs of removal occasioned by such purchase or acquisition. If the amount of damage herein provided is not agreed upon by the parties it shall be determined by the superior court upon petition therefor. Said board shall keep an accurate account of all expenditures made or costs incurred in

the acquisition of lands, easements, rights of way, property or facilities as aforesaid, and the same shall be included as a part of the cost of acquisition to be paid by the Merrimack river valley flood control commission.

2. Lands, Easements and Rights of Way, Lease of. Upon the acquisition of any such lands, easements and rights of way essential to the construction of any dam or reservoir authorized under said compact, and the full payment by the Merrimack river valley flood control commission of the cost of acquisition thereof, the said board, for and in behalf and as agent of the state for that purpose, and in its name, shall make, with the approval of the governor and council, execute and deliver to the Merrimack river valley flood control commission a good and sufficient lease of the same upon the conditions and subject to all the provisions and restrictions set forth in articles VI and VII of said compact.

3. Relocations. Said board, upon notice from and at the sole expense of the Merrimack river valley flood control commission, shall make or cause to be made such relocations of highways and other property or facilities in public use as may become necessary because of the construction, operation and maintenance of any reservoir or reservoirs authorized under said compact. In the relocation of such highways, the state highway commissioner, upon notice from said board, shall forthwith determine the character, location, route and construction of the same, provided, however, that before the relocation of state-aid and town highways, it shall be the duty of the highway commissioner to consult and co-operate with the local officials of the towns in which said highways are located, and said board thereafter may acquire any necessary lands, easements and rights of way therefor in the manner provided in section 1 hereof. In the relocation of other property or facilities in public use, the board, after consultation with the selectmen or other public officials having authority with reference thereto for changing the location of such, shall forthwith determine the relocation thereof, and may acquire any necessary lands, easements and other property or facilities necessary therefor, in the manner provided in section 1 hereof. An accurate record of the cost of relocating such highway or highways or other property or facilities in public use, including the cost of acquisition of any lands, easements, rights of way or

other property necessary thereto, and any expense incidental to the same, shall be kept, and the cost and expense thereof shall be paid by the Merrimack river valley flood control commission in accordance with the terms of said compact or agreement; provided, however, that due allowance shall be made on account of any improved type of construction of such relocated highway or other property or facilities in public use. In the event that the board and the Merrimack river valley flood control commission can not agree as to the cost and expense to be paid by the Merrimack river valley flood control commission on account of such highway relocation or other property or facilities in public use, either party may apply by petition to the superior court of the county wherein such highway or other property or facilities in public use, or some part thereof is located, to fix and determine the same, and, upon hearing, said court shall thereupon ascertain and adjudge the amount thereof.

4. Rights of State in Reservoirs, How Exercised. The board is hereby designated the agency, with the approval of the governor to notify the United States through its war department, before construction work is commenced upon any flood control reservoir authorized under said compact or agreement, of the determination by the state to preserve the value of any such site for the purpose of water conservation, power storage or power development which may be inherent in such site, in order that the design and construction of the dam and works at such site may be developed in such manner as to provide for the further development thereof as a storage reservoir for the purposes aforesaid and said board is hereby authorized, empowered and directed, with the approval of the governor and council, to enter into contracts or agreements with the United States respecting the terms and conditions under which such rights of water conservation, power storage or power development shall be made available. The said board is further authorized to approve on the part of the state of the type and general plans for the construction of such reservoirs as will provide for such further development in accordance with the terms and provisions of article IX of said compact or agreement, and to acquire either by purchase or eminent domain in the manner provided by chapter 121 of the Laws of 1935 and

amendments thereto such additional lands, easements and rights of way as may be necessary for the full beneficial use of the rights reserved to the state under the terms of said compact or agreement. In providing for such further development and use of such reservoirs for the purposes reserved to the state as aforesaid, or in the acquisition of lands, easements or rights of way therefor, or for any flood control reservoir site, said board, with the approval of the governor and council, is authorized to enter into such contracts and agreements with such persons, including corporations, under such terms and subject to such conditions, as to it shall appear for the best interest and advantage of the state. Said board, with the approval of the governor and council, may at any time hereafter, whenever it may determine that any reservoir constructed under the terms of said compact is desirable or necessary to be used for water conservation, power storage or power development, require the same to be adapted for that purpose in accordance with the provisions of article IX of said compact or agreement.

5. Board, Studies and Reports. The board is hereby authorized and directed to make or cause to be made such studies and investigations of the Merrimack river and its tributaries in the state, with particular reference to the matter of possible flood control reservoir sites on such tributaries, and the availability and feasibility of the same in connection with the further extension and expansion of a comprehensive program of flood control contemplated under said compact or agreement, as may be necessary to determine the character and location of reservoir sites that would be most beneficial to the state as a part of such program. Biennially, such board shall report its findings and recommendations in respect thereto to the legislature, to the end that the legislature may have full information concerning any proposed reservoir site that may hereafter be submitted to it by the Merrimack river valley flood control commission for its approval.

6. Takes Effect. This act shall take effect upon its passage.

[Approved June 30, 1937.]

CHAPTER 140.

AN ACT TO PROVIDE FOR CO-OPERATION BY THE STATE WITH THE
CONNECTICUT RIVER VALLEY FLOOD CONTROL COMMISSION
IN THE ACQUISITION OF LANDS, EASEMENTS AND
RIGHTS OF WAY ESSENTIAL FOR FLOOD CONTROL
PURPOSES, AND TO ENABLE THE STATE TO
COMPLY WITH THE PROVISIONS OF THE
COMPACT ENTERED INTO BY IT WITH
THE COMMONWEALTH OF
MASSACHUSETTS AND THE
STATES OF CONNECTICUT
AND VERMONT AND
FOR OTHER
PURPOSES.

SECTION

1. Acquisition of lands and rights for reservoirs.
2. Lands, easements and rights of way, lease of.
3. Relocations.

SECTION

4. Rights of state in reservoirs, how exercised.
5. Board, studies, reports.
6. Takes effect.

Be it enacted by the Senate and House of Representatives in General Court convened:

1. Acquisition of Lands and Rights for Reservoirs. In the acquisition of lands, easements and rights of way in the state of New Hampshire, provided in and by the terms of the compact or agreement between the state, the commonwealth of Massachusetts and the states of Connecticut and Vermont for the purpose of flood control in the Connecticut river basin, to be procured by the state, the New Hampshire water resources board shall be the agency of the state for that purpose. Said board is authorized and empowered, upon the request of the Connecticut river valley flood control commission, with the approval of the governor and council, to proceed forthwith to acquire title to and possession of such lands, easements and rights of way, including property or facilities in public use, any railroad, electric transmission or distribution lines, telephone or telegraph lines, pipe lines, aqueducts, water mains, gas mains or other public utility structure located thereon, within this state as are determined and designated by the commission for the construction of any reservoir or reservoirs authorized under said compact or agreement. Said board shall

acquire the same, including such property or facilities in public use, either by purchase or by the exercise of the right of eminent domain, as said commission may direct. In the taking of such lands, easements, rights of way or property or facilities in public use by the exercise of eminent domain, said board is hereby authorized and empowered to proceed in the manner provided by chapter 121 of the Laws of 1935 and amendments thereto. Said board is further authorized and empowered, with the approval of the governor and council, to enter into any contract or agreement with such public officials having authority with reference to property or facilities in public use and with such public utility or railroad providing for the removal of such property or facilities in public use, or such railroad, electric transmission or distribution lines, telephone or telegraph lines, pipe lines, aqueducts, water mains, gas mains or other public utility structures to such new location, under such terms and conditions as may be agreed upon, and without expense to such town, person, public utility or railroad, and said board for the purpose of providing any such new location or locations may acquire lands, easements, rights of way, property or facilities by purchase or by eminent domain, as herein provided. In all such cases the title may be taken either in the name of the board or of the town, person, public utility or railroad, and if taken in the name of the board, may be conveyed to the town, person, public utility or railroad in compliance with such agreement or contract. Said board shall keep an accurate account of all expenditures made or costs incurred in the acquisition of lands, easements, rights of way, property or facilities as aforesaid, and the same shall be included as a part of the cost of acquisition to be paid by the Connecticut river valley flood control commission.

2. Lands, Easements and Rights of Way, Lease of. Upon the acquisition of any such lands, easements and rights of way essential to the construction of any dam or reservoir authorized under said compact, and the full payment by the Connecticut river valley flood control commission of the cost of acquisition thereof, the said board, for and in behalf and as agent of the state for that purpose, and in its name, shall make, with the approval of the governor and council, execute and deliver to the Connecticut river valley flood control commission a good

and sufficient lease of the same upon the conditions and subject to all the provisions and restrictions set forth in article VI of said compact.

3. Relocations. Said board, upon notice from and at the sole expense of the Connecticut river valley flood control commission shall make or cause to be made such relocations of highways and other property or facilities in public use as may become necessary because of the construction, operation and maintenance of any reservoir or reservoirs authorized under said compact. In the relocation of such highways, the state highway commissioner, upon notice from said board, shall forthwith determine the character, location, route and construction of the same, provided, however, that before the relocation of state-aid and town highways, it shall be the duty of the highway commissioner to consult and co-operate with the local officials of the towns in which said highways are located, and said board thereafter may acquire any necessary lands, easements and rights of way therefor in the manner provided in section 1 hereof. In the relocation of other property or facilities in public use, the board, after consultation with the selectmen or other public officials having authority with reference thereto for changing the location of such, shall forthwith determine the relocation thereof, and may acquire any necessary lands, easements and other property or facilities necessary therefor, in the manner provided in section 1 hereof. An accurate record of the cost of relocating such highway or highways or other property or facilities in public use, including the cost of acquisition of any lands, easements, rights of way or other property necessary thereto, and any expense incidental to the same, shall be kept, and the cost and expense thereof shall be paid by the Connecticut river valley flood control commission in accordance with the terms of said compact or agreement; provided, however, that due allowance shall be made on account of any improved type of construction of such relocated highway or other property or facilities in public use. In the event that the board and the Connecticut river valley flood control commission can not agree as to the cost and expense to be paid by the Connecticut river valley flood control commission on account of such highway relocation or other property or facilities in public use, either party may apply by petition to the superior court of the county wherein such high-

way or other property or facilities in public use, or some part thereof is located, to fix and determine the same, and, upon hearing, said court shall thereupon ascertain and adjudge the amount thereof.

4. Rights of State in Reservoirs, How Exercised. The board is hereby designated the agency, with the approval of the governor, to notify the United States through its war department, before construction work is commenced upon any flood control reservoir authorized under said compact or agreement, of the determination by the state to preserve the value of any such site for the purpose of water conservation, power storage or power development which may be inherent in such site, in order that the design and construction of the dam and works at such site may be developed in such manner as to provide for the further development thereof as a storage reservoir for the purposes aforesaid and said board is hereby authorized, empowered and directed, with the approval of the governor and council, to enter into contracts or agreements with the United States respecting the terms and conditions under which such rights of water conservation, power storage or power development shall be made available. The said board is further authorized to approve on the part of the state of the type and general plans for the construction of such reservoirs as will provide for such further development in accordance with the terms and provisions of article VIII of said compact or agreement, and to acquire either by purchase or eminent domain in the manner provided by chapter 121 of the Laws of 1935 and amendments thereto such additional lands, easements and rights of way as may be necessary for the full beneficial use of the rights reserved to the state under the terms of said compact or agreement. In providing for such further development and use of such reservoirs for the purposes reserved to the state as aforesaid, or in the acquisition of lands, easements or rights of way therefor, or for any flood control reservoir site, said board, with the approval of the governor and council, is authorized to enter into such contracts and agreements with such persons, including corporations, under such terms and subject to such conditions, as to it shall appear for the best interest and advantage of the

state. Said board, with the approval of the governor and council, may at any time hereafter, whenever it may determine that any reservoir constructed under the terms of said compact is desirable or necessary to be used for water conservation, power storage or power development, require the same to be adapted for that purpose in accordance with the provisions of article VIII of said compact or agreement.

5. Board, Studies and Reports. The board is hereby authorized and directed to make or cause to be made such studies and investigations of the Connecticut river and its tributaries in the state, with particular reference to the matter of possible flood control reservoir sites on such tributaries, and the availability and feasibility of the same in connection with the further extension and expansion of a comprehensive program of flood control contemplated under said compact or agreement, as may be necessary to determine the character and location of reservoir sites that would be most beneficial to the state as a part of such program. Biennially, such board shall report its findings and recommendations in respect thereto to the legislature, to the end that the legislature may have full information concerning any proposed reservoir site that may hereafter be submitted to it by the Connecticut river valley flood control commission for its approval.

6. Takes Effect. This act shall take effect upon its passage.

[Approved June 30, 1937.]

CHAPTER 141.

AN ACT RATIFYING A PROPOSED AGREEMENT OR COMPACT
BETWEEN THE STATE OF NEW HAMPSHIRE AND THE COMMON-
WEALTH OF MASSACHUSETTS, THE STATE OF CONNECTICUT
AND THE STATE OF VERMONT, RELATING TO THE CREATION
OF THE CONNECTICUT RIVER VALLEY FLOOD CONTROL
COMMISSION, PROVIDING FOR FLOOD CONTROL IN THE
CONNECTICUT RIVER BASIN AND FOR CARRYING
OUT THE PROVISIONS OF SAID AGREEMENT
OR COMPACT.

SECTION

1. Compact; execution by com-
missioners.
2. Takes effect on ratification and
approval.
3. Special commissioners,
vacancy.
4. Flood control commissioners,
appointment, term.
5. Removal.

SECTION

6. Compensation.
7. Bonds and notes authorized.
8. Accounts.
9. Sale; disposition of proceeds.
10. Payment.
11. Short-term notes.
12. Appropriation.
13. Takes effect.

*Be it enacted by the Senate and House of Representatives in
General Court convened:*

1. Compact; Execution by Commissioners. The governor, with the advice and consent of the council, shall appoint three persons as commissioners, all or any two of whom are hereby authorized as commissioners upon the part of the state of New Hampshire, for and in its name and behalf to enter into and execute with the commonwealth of Massachusetts and the states of Connecticut and Vermont by and through the commissioners appointed or who may be appointed under or by virtue of a law of the legislatures of said respective states, an agreement or compact in the form following, that is to say:

WHEREAS, the commonwealth of Massachusetts and the states of Connecticut, New Hampshire and Vermont recognize that destructive floods upon the Connecticut river, upsetting orderly processes and causing loss of life and property, including the erosion of lands, and impairing and obstructing highways, railroads and other channels of commerce between the aforesaid states, constitute a menace, and that investigations and improvements of said Connecticut river and its tributaries, including the watersheds thereof, for flood control purposes are in the interest of the general welfare of the aforesaid states; and

WHEREAS, under section 4 of an act of the Congress of the United States of America entitled "Public-No. 738-74th Congress—An Act authorizing the construction of certain public works on rivers and harbors for flood control, and for other purposes," approved June 22, 1936, "the consent of Congress" was "given to any two or more states to enter into compacts or agreements in connection with any project or operation authorized by such act for flood control or the prevention of damage to life or property by reason of floods, upon any stream or streams or their tributaries which lie in two or more such states, for the purpose of providing, in such manner and such proportion as may be agreed upon by said states and approved by the secretary of war, funds for construction and maintenance, for the payments of damages, and for the purchase of lands, easements and rights of way in connection with such project or operation;" and

WHEREAS, the Connecticut river, together with its tributaries, is such a waterway as is defined in said act of Congress above referred to, and the adequate and proper regulation of the destructive floods hereinbefore referred to upon said Connecticut river and its tributaries can best be accomplished by the mutual agreement and co-operation of the states hereinbefore named, by and through a joint or common agency; and

WHEREAS, under and by the terms of said act of Congress, hereinbefore referred to, the entire cost of construction of the various projects for flood control therein defined, is to be paid and discharged by the United States, and the signatory states hereto desire to avail themselves of the advantages and benefits accruing to them thereby and to be relieved of such cost of construction.

Now, therefore, the said commonwealth of Massachusetts and states of Connecticut, New Hampshire and Vermont do hereby enter into the following compact, to wit:

ARTICLE I

The principal purposes of this compact are:

(a) To promote interstate comity among and between the signatory states;

(b) To provide adequate storage capacity for impounding the waters of the Connecticut river and its tributaries, de-

signed primarily for the protection of life and property from floods;

(c) To provide a joint or common agency through which the signatory states, while promoting, protecting and preserving to each the local interest and sovereignty of the respective signatory states, may more effectively co-operate in accomplishing the object of flood control in the basin of the Connecticut river and its tributaries, and, among other things:

(1) To acquire by lease from the states signatory hereto, or some of them, all lands, easements and rights of way necessary for the construction of the projects herein contemplated, without cost to the United States, except as provided in said act of Congress hereinbefore referred to;

(2) To hold and save the United States free from damages due to the construction works;

(3) To maintain and operate all the works herein contemplated after completion in accordance with regulations prescribed by the secretary of war;

(4) To accept from the signatory states hereto, and from any other source, contributions of moneys as hereinafter set forth for the purposes herein set forth, including without limiting the same, funds for the acquisition of lands, easements and rights of way, for the payment of damages and for the operation and maintenance of said flood control reservoirs, and the expenses incidental thereto and to the functions of the Connecticut river valley flood control commission hereinafter created.

ARTICLE II

There is hereby created "The Connecticut River Valley Flood Control Commission," hereinafter referred to as the commission, which shall consist of twelve commissioners, three of whom shall be residents of the commonwealth of Massachusetts; three of whom shall be residents of the state of Connecticut; three of whom shall be residents of the state of New Hampshire; and three of whom shall be residents of the state of Vermont. The members of said commission shall be chosen by their respective states in such manner and for such term as may be fixed and determined from time to time by the law of each of said states respectively by which they are appointed. A commissioner may be removed or suspended from

office as provided by the law of the state for which he shall be appointed; and any vacancy occurring in said commission shall be filled in accordance with the laws of the state where-in such vacancy exists. A majority of the members from each state shall constitute a quorum for the transaction of business, the exercise of any powers or the performance of any duties, but no action of the commission shall be binding unless at least two of the members from each state shall vote in favor thereof. The compensation of the members of said commission shall be fixed, determined and paid by the state which they respectively represent. All necessary expenses incurred in the performance of their duties shall be paid from the funds of said commission. The commission shall elect from its members a chairman, vice-chairman, clerk and treasurer. Such treasurer shall furnish to said commission, at its expense, a bond with corporate surety, to be approved by said commission, in such amount as said commission may determine, conditioned for the faithful performance of his duties. The commission shall adopt suitable by-laws, and shall make such rules and regulations as it may deem advisable governing the operation of flood control projects, not inconsistent with the laws of the signatory states or laws of the United States, and any rules or regulations lawfully promulgated thereunder. The commission shall make an annual report to the governor of each of the signatory states, setting forth in detail the operations and transactions conducted by it pursuant to this compact and any legislation thereunder, which said reports shall be submitted to the respective legislatures. The commission shall keep a record of all its meetings and proceedings, contracts and accounts, and shall maintain a suitable office, where its maps, plans, documents, records and accounts shall be kept, subject to public inspection at such times and under such regulations as the commission shall determine.

ARTICLE III

The commission shall constitute a body, both corporate and politic, with full power and authority,—

(1) To acquire by lease and to hold lands, easements and rights of way for reservoirs herein contemplated, and for the use and enjoyment thereof;

(2) To hold, maintain and operate reservoirs, including appurtenances, for the purposes of flood control;

(3) To receive funds and moneys from the signatory states or other sources, for the purpose of acquiring, operating and maintaining such reservoirs as may hereafter be constructed within the basin of the Connecticut river under the terms of this compact, including, without limiting the same, funds for the acquisition of lands, easements and rights of way, for the payment of damages and for the maintenance and operation of said reservoirs, and the expenses incidental thereto, and to the functions of the commission;

(4) To sue and be sued;

(5) To have a seal and alter the same at pleasure;

(6) To appoint and employ such agents and employees as may be required in the proper performance of the duties hereby committed to it, and to fix and determine their qualifications, duties and compensation;

(7) To enter into such contracts and agreements, and to do and perform any and all other acts, matters and things as may be necessary and essential to the full and complete performance of the powers and duties hereby committed to and imposed upon it in connection with the construction, operation and maintenance of the system of reservoirs hereby or hereafter authorized and as may be incidental thereto; and

(8) To have such additional powers and duties as may hereafter be delegated to or imposed upon it from time to time by the action of the legislature of any of said states, concurred in by the legislatures of the other states.

The commission shall be charged with the duty, and it is hereby authorized and empowered, to give such assurances, satisfactory to the secretary of war, as are required by section 3 of the act of Congress hereinbefore referred to. The commission shall make, or cause to be made, such studies as it may deem necessary, in co-operation with the war department, for the development of a comprehensive plan of flood control, as herein defined, and for the efficient management and regulation of said flood control system, and from time to time shall make reports and recommendations in respect thereto to the signatory states. The commission shall not pledge the credit of the signatory states, or any of them, nor shall it convey, encumber, or in any way undertake to alienate the lands, ease-

ments and rights of way so leased to it, as hereinafter provided, or any part thereof, or any interest therein, except by and with the consent of the signatory states.

ARTICLE IV

There shall be established in the Connecticut river basin as an initial plan of flood control eight of the following eleven proposed reservoirs, to wit:

(a) Three of the four following reservoirs in the state of Vermont.

(1) At Victory on the Moose river, controlling a drainage area of approximately sixty-six (66) square miles, and providing flood control storage for approximately seven (7) inches of run-off over said drainage area, the dam at said reservoir to be constructed in such manner as to provide for flood control, and in addition thereto to be so designed and constructed as to provide for further development by increasing the storage capacity, the added storage to be used for water conservation or power development at the option of the state of Vermont.

(2) At Union Village on the Ompompanoosuc river, controlling a drainage area of approximately one hundred twenty-six (126) square miles, and providing flood control storage for approximately four and one-half ($4\frac{1}{2}$) inches of run-off over said drainage area, the dam at said reservoir to be constructed in such manner as to provide for flood control and also for a recreational lake, to be maintained during the summer months at a substantially constant minimum level, to be fixed by the chief of engineers of the United States Army, except when increased temporary storage is required for flood control.

(3) At North Hartland on the Ottauquechee river, controlling a drainage area of approximately two hundred twenty-two (222) square miles, and providing flood control storage for approximately four and one-tenth (4.1) inches of run-off over said drainage area, the dam at said reservoir to be for flood control purposes only.

(4) At Groton pond on the Wells river, controlling a drainage area of approximately seventeen and three-tenths (17.3) square miles, and providing flood control storage for approximately seven (7) inches of run-off over said drainage

area, and the dam at said reservoir to be constructed in such manner as to provide for flood control and also for a recreational lake, the level of the water to be maintained during the summer months at a substantially constant minimum level, to be fixed by the chief of engineers of the United States Army, except when increased temporary storage is required for flood control.

(b) Three reservoirs in the state of New Hampshire as follows:

(1) At Bethlehem Junction on the Ammonoosuc river, controlling a drainage area of approximately ninety (90) square miles, and providing flood control storage for approximately six (6) inches of run-off over said drainage area, the dam at said reservoir to be constructed in such manner as to provide for flood control and also for a recreational lake to be maintained during the summer months at a substantially constant minimum level, to be fixed by the chief of engineers of the United States Army, except when increased temporary storage is required for flood control.

(2) At Stocker pond in the towns of Grantham and Springfield, controlling a drainage area of approximately thirty-four and four-tenths (34.4) square miles, and providing flood control storage for approximately six (6) inches of run-off over said drainage area, the dam at said reservoir to be constructed for flood control, and in addition thereto to be so designed and constructed as to provide for further development by increasing the storage capacity, the added storage to be used for water conservation or power development, at the option of the state of New Hampshire.

(3) At Surry Mountain on the Ashuelot river, controlling a drainage area of approximately one hundred (100) square miles, and providing flood control storage for approximately six (6) inches of run-off over said drainage area, the dam at said reservoir to be constructed in such manner as to provide for flood control, and in addition thereto to be so designed and constructed as to provide for further development by increasing the storage capacity, the added storage to be used for water conservation or power development, at the option of the state of New Hampshire.

(c) Two of the four following reservoirs in the commonwealth of Massachusetts:

(1) At Knightville on the Westfield river, controlling a drainage area of approximately one hundred sixty-four (164) square miles, and providing flood control storage for approximately four and five-tenths (4.5) inches of run-off over said drainage area, the dam at said reservoir to be constructed in such manner as to provide for flood control, and in addition thereto to be so designed and constructed as to provide for further development by increasing the storage capacity, the added storage to be used for water conservation or power development, at the option of the commonwealth of Massachusetts; or to be constructed in such manner as to provide for flood control and also for a recreational lake to be maintained during the summer months at a substantially constant minimum level, to be fixed by the chief of engineers of the United States Army, except when increased temporary storage is required for flood control, as said commonwealth of Massachusetts may elect.

(2) At Tully on the Tully brook, a tributary of Millers river, controlling a drainage area of approximately fifty (50) square miles, and providing flood control storage for approximately eight (8) inches of run-off over said drainage area, the dam at said reservoir to be constructed in such manner as to provide for flood control, and in addition thereto to be so designed and constructed as to provide for further development by increasing the storage capacity, the added storage to be used for water conservation or power development, at the option of the commonwealth of Massachusetts; or to be constructed in such manner as to provide for flood control and also for a recreational lake to be maintained during the summer months at a substantially constant minimum level, to be fixed by the chief of engineers of the United States Army, except when increased temporary storage is required for flood control, as said commonwealth of Massachusetts may elect.

(3) At Priest pond on Priest brook, a tributary of Millers river, controlling a drainage area of approximately eighteen and eight-tenths (18.8) square miles, and providing flood control storage for approximately six (6) inches of run-off over said drainage area, the dam at said reservoir to be constructed in such manner as to provide for flood control, and in addition thereto to be so designed and constructed as to provide for further development by increasing the storage

capacity, the added storage to be used for water conservation or power development, at the option of the commonwealth of Massachusetts; or to be constructed in such manner as to provide for flood control, and also for a recreational lake to be maintained during the summer months, at a substantially constant minimum level, to be fixed by the chief of engineers of the United States Army, except when increased temporary storage is required for flood control, as said commonwealth of Massachusetts may elect.

(4) At Lower Naukeag on the Millers river, controlling a drainage area of approximately nineteen and seven-tenths (19.7) square miles, and providing flood control storage for approximately five and one-tenth (5.1) inches of run-off over said drainage area, the dam at said reservoir to be constructed in such manner as to provide for flood control and also for a recreational lake, to be maintained during the summer months at a substantially constant minimum level, to be fixed by the chief of engineers of the United States Army, except when increased temporary storage is required for flood control.

The type and general plans for the construction of the eight reservoirs herein provided to be constructed as an initial plan of flood control on the Connecticut river basin, are to be approved by the Connecticut river valley flood control commission, hereinbefore created, before any construction work thereon is begun or prosecuted. So far as any of the foregoing reservoirs may be constructed for the combined purpose of flood control and recreational facilities, none of the signatory states wherein such reservoirs are located shall be obligated to pay any additional cost of construction.

ARTICLE V

To the end that the Connecticut river valley flood control commission may give to the secretary of war the assurances required under section 3 of the act of Congress hereinbefore referred to, and that the lands, easements and rights of way necessary for the construction by the United States of the reservoirs and structures thereon, herein contemplated, may be provided, each state at the request of said commission shall proceed forthwith to acquire title to and possession of the lands, easements and rights of way within its territorial

limits, which are determined and designated by the commission for the construction of such reservoir or reservoirs. Such acquisition shall be by purchase or by the exercise of the right of eminent domain, as said commission may direct, and in the manner now or hereafter provided for by the laws of the states wherein such lands, easements and rights of way are located. Title to such lands, easements and rights of way shall be taken in the name of the state wherein the same are located. The cost of acquisition, as hereinafter defined, shall be borne by said commission and paid from and out of the funds contributed by the signatory states for such purpose, as hereinafter provided. Each state, upon notice from and at the sole expense of said commission, shall forthwith proceed to make, or cause to be made, such highway relocations, including the acquisition of all necessary rights of way therefor, and the construction of such relocated highway, as may become necessary therein because of the construction, operation and maintenance of any reservoir or reservoirs for flood control purposes. Provided, however, that due allowance shall be made on account of any improved type of construction of such relocated highway. The character, location, route and construction of such relocated highways shall be determined by the state wherein such relocated highway is situated, or by its representatives. In like manner, such state, at the expense of the commission, and upon its request, shall procure the relocation of any railroad, electric transmission, telephone or telegraph lines, or other public utility structures, including new rights of way therefor as may be essential on account of the construction, operation and maintenance of such reservoir for flood control purposes.

ARTICLE VI

The commission shall save the states in which such reservoirs are located free and harmless from all loss, cost, damage or expense in connection with the control, operation and maintenance of such reservoir or reservoirs except as hereinafter provided in articles IX and XI. The commission or the war department in the construction and maintenance of such reservoir or reservoirs shall cause the area which may be flowed thereby when full, to be cleared of buildings and all such trees, brush and underbrush as from time to time may be

damaged or killed by such flowage; shall cause borrow pits or banks, other excavations or unused accumulations of material and debris, to be leveled, graded, masked, removed or otherwise disposed of in such a way as to leave no holes or other unsightly conditions therein; and shall cause all water pockets to be properly drained and the premises affected by such flowage to be landscaped in such manner as may reasonably preserve the natural condition of such premises before such construction, except as the same necessarily may be changed thereby. The lands, easements and rights of way leased shall be exempt from all taxation but the said commission shall make payments on or before the first day of October of each year to each town in which such lands, easements and rights of way, respectively, are located, of a sum equal to the taxes which would have been assessed against the said lands, easements and rights of way in such town if the same had been included in the list of taxable property for such year, at the assessed valuation of the same as determined for the tax year 1936. Provided, however, that no payment shall be made or required hereunder on account of reimbursement for loss of taxes on any structure which may be erected on such premises in connection with the construction or use of said project, or on account of any railroad or other public utility which may be relocated under the terms of this compact, and which is included in the list of taxable property in said town when relocated. When said lands, easements and rights of way essential to the construction of any dam or reservoir shall have been acquired as hereinbefore provided, the state wherein the same are located, shall make, execute and deliver to said commission a good and sufficient lease of the same, to include the structures thereon when completed and accepted by the state, except as hereinafter provided, upon the terms and conditions following, to wit:

(a) The said commission shall save the state in which said reservoirs are respectively located, free and harmless from all loss, cost, damage or expense in connection with the control, operation and maintenance of said reservoir or reservoirs except as hereinafter provided in articles IX and XI.

(b) In the construction and maintenance of such reservoir or reservoirs, the area which may be flowed thereby, when full, shall be cleared of buildings and of such trees, brush and

underbrush, as from time to time may be damaged or killed by such flowage; borrow pits or banks, other excavations or unused accumulations of material and debris, shall be leveled, graded, masked, removed or otherwise disposed of in such a way as to leave no holes or other unsightly conditions therein; all water pockets shall be properly drained; and the premises affected by such flowage shall be landscaped in such manner as may reasonably preserve the natural condition of such premises before such construction, except as the same necessarily may be changed thereby.

(c) The lands, easements and rights of way hereby leased shall be exempt from all taxation; but the said commission shall make payments on or before the first day of October of each year to each town in which such lands, easements and rights of way, respectively, are located, of a sum equal to the taxes which would have been assessed against the said lands, easements and rights of way in such town if the same had been included in the list of taxable property for such year, at the assessed valuation of the same as determined for the tax year 1936. Provided, however, that no payment shall be made or required hereunder on account of reimbursement for loss of taxes on any structure which may be erected on such premises in connection with the construction or use of said project; or on account of any railroad or other public utility which may be relocated under the terms of this agreement, and which thereafter is included in the list of taxable property in said town when relocated.

(d) The lands, easements and rights of way herein described, are leased and demised solely for the purpose of flood control, and for no other purpose, and the said lessor hereby excepts from this lease and reserves unto itself all benefit or advantage of water conservation, power storage or power development, that may be inherent in such reservoir site, with the right, at such time as it may determine, and upon compliance with the requirements of the United States respecting the adjustment and payment of any added construction cost by reason of the type of construction adapted for that purpose, and the assumption and payment of the cost of acquiring any additional lands, easements and rights of way necessitated by such additional development, and the full preservation of the

principal purpose of flood control, to develop the same in such manner and for such purpose as may be essential to the full beneficial use thereof.

(e) The term of said lease shall be for the period of nine hundred and ninety-nine years, subject only to be defeated by a breach of the terms or the conditions in this article set forth.

ARTICLE VII

The cost of acquisition of lands, easements and rights of way, as used or referred to herein, shall be deemed to include the cost of:

(1) The purchase or condemnation of lands, easements and rights of way of every kind and nature required or essential in the construction, development, operation and maintenance of such reservoirs as an effective agency for flood control, and including, among other things, camp sites, borrow banks or pits, rock ledges, gravel deposits and rights of way thereto in the vicinity of the dam necessary for the construction and maintenance thereof. Such camps are to be removed and the sites thoroughly cleaned up at no cost to the states or commission before being relinquished by the United States upon the completion of the construction work;

(2) The reconstruction, relocation or elevation of public highways, including bridges or other structures;

(3) The reconstruction or relocation of public service utilities, including railroads and the alteration of bridges and structures thereon, whether publicly or privately owned;

(4) The reconstruction or relocation of telegraph, telephone or electric light or power distribution and transmission lines, pipe lines, aqueducts, water or gas mains; and

(5) Any other damages, expenses or costs that may be necessitated or incurred in procuring and providing the sites necessary for the construction of the reservoirs herein contemplated, including the cost and expense of acquiring such lands, easements and rights of way and procuring the reconstruction or relocation of the highways, bridges, railroads, telephone, telegraph and electric lines, pipes, aqueducts and mains above-mentioned, or the rights of way for the same, or any other similar expenditures.

ARTICLE VIII

The rights to be acquired and exercised by the commission are solely for flood control purposes, and each of the respective signatory states wherein any reservoir may be situated, reserves respectively unto itself, all benefit or advantage of water conservation, power storage or power development that may be inherent in such reservoir site. In the event any signatory state may wish to preserve to itself the value of such site for the purposes aforesaid, it may, through an appropriate agency of the state, so notify the United States, through its war department, before any construction work is commenced hereunder for flood control purposes, so that the design and construction of the dam at such site may be developed in such manner as to provide for further development as a storage reservoir for the conservation of water, enhancement of stream flow or power development. Provided, however, that nothing herein contained shall be deemed to prevent any such state, at its option, at any time hereafter, by itself or through such agency as it may designate, from developing any such reservoir or reservoirs for use for water conservation, power storage or power development, in order that it may avail itself of the full beneficial use and enjoyment of the rights herein reserved. In such event, such state shall pay or provide for the payment of all costs or expenses necessary for such further development, including adaptation of any existing dam and works to such purpose, in accordance with plans approved by the secretary of war, and at all times fully preserve the primary purpose of flood control. The terms and conditions under which any such signatory state shall make available the rights of water conservation, power storage or power development herein reserved shall be determined by separate agreement or arrangement between such state and the United States, and the type and general plans for the construction of such of the reservoirs as are herein contemplated to provide for such further development shall be approved by some agency of such state, for that purpose duly authorized, before any construction thereon is begun or prosecuted.

ARTICLE IX

In order that an adequate fund may be established and created from which payments for the acquisition of lands, easements and rights of way may be made, the signatory states become bound and each hereby obligates itself to pay to the commission, the proportion of the cost of acquisition of lands, easements and rights of way respectively set forth below, and subject to the limitations hereinafter provided, as follows:

(1) The commonwealth of Massachusetts fifty per cent thereof.

(2) The state of Connecticut forty per cent thereof.

(3) The state of New Hampshire five per cent thereof.

(4) The state of Vermont five per cent thereof. Provided, however, that it is the understanding, intent and purpose of the parties hereto, that the cost of acquisition of lands, easements and rights of way for eight reservoirs, provided for herein, shall not exceed the sum of two million seven hundred thousand dollars (\$2,700,000) and that the drainage area of the Connecticut river basin to be controlled thereby shall be approximately seven and sixty-one hundredths (7.61) per cent thereof; and it is expressly provided that the maximum amount to which each of the signatory states shall be bound or obligated for cost of acquisition of lands, easements and rights of way on account of said eight reservoirs shall not exceed the respective proportions hereinbefore set forth of said sum of two million seven hundred thousand dollars (\$2,700,000). The fiscal year shall be deemed to begin on July first and end on June thirtieth. Payment by the signatory states of the cost of acquisition shall be made as and when requested by the commission on or after July 1, 1937; provided that no more than one half of said sum of two million seven hundred thousand dollars (\$2,700,000) shall be required to be paid in any fiscal year after said date.

ARTICLE X

In the execution of the initial plan of eight reservoirs herein contemplated said commission, with the approval of the secretary of war, shall determine the order in which the construction work of the same shall be commenced and prosecuted, except that it is hereby declared to be the intent and

purpose of the signatory states that construction work shall be first begun on one reservoir project located in the commonwealth of Massachusetts and upon one reservoir project located respectively in each of the states of New Hampshire and Vermont before further construction work is begun on any other reservoir. The initial plan for the construction of eight reservoirs herein mentioned and provided for is part of a long range comprehensive program for flood control on the Connecticut river and its tributaries, the object and purpose of the signatory states being to enlarge and expand such flood control projects to an ultimate control, including the reservoirs herein above-mentioned of approximately twenty-one per cent of the drainage area thereof, at a total maximum cost to the signatory states, including the cost herein specified, of not to exceed ten million five hundred seventy-five thousand dollars (\$10,575,000) ; and the contributions by the respective signatory states, in the proportions hereinbefore set forth, shall not in any event exceed the total amount above stated. In the further development of such comprehensive program, said commission shall determine from time to time the site, character, location and extent of such additional reservoirs, subject to the approval of the legislature of the state in which the same may be located.

ARTICLE XI

Each of the signatory states shall annually contribute and pay to the commission the respective proportions of the expense of operation and maintenance of the flood control reservoirs hereafter constructed under the terms of this agreement as follows: The commonwealth of Massachusetts fifty per cent thereof, the state of Connecticut forty per cent thereof, the state of New Hampshire five per cent thereof, the state of Vermont five per cent thereof, and each of said states shall make adequate provision for compliance on its part with the provisions of this article, and the same shall be made available as and when required upon the requisition of the commission. As a part of the expense of operation and maintenance of said reservoirs the commission shall assume and pay to the respective towns entitled thereto the cost of reimbursement for loss of taxes, as set forth and required in sub-paragraph (c) in article VI hereof, and shall pay all costs incident to or

damages resulting from the operation and maintenance of such flood control reservoirs, and shall save the United States free and harmless on account thereof, and shall pay all other costs or expenses which may be necessary in the operation and maintenance thereof, including the expenses of the members of said commission hereinbefore provided to be paid out of the funds of said commission.

ARTICLE XII

Each of the signatory states hereby releases and discharges the others of and from all damages, which may be claimed to result from the obstruction, detention, impounding, storage, release or diversion of the waters of said Connecticut river and its tributaries, so far as the same may be in any way affected by the construction, operation or maintenance of the reservoirs herein contemplated.

ARTICLE XIII

This compact shall become operative and effective when approved by the legislatures of each of the signatory states and by the Congress of the United States. Notice of approval shall be given by the governor of each state to the governors of the other states and to the President of the United States, and the President of the United States is requested to give notice to the governors of each of the signatory states of its approval by the Congress of the United States.

2. Compact, Takes Effect on Ratification and Approval. The said agreement or compact when approved by the legislatures of each of said states and by the Congress of the United States, shall thereupon become operative and effective. The said agreement or compact is hereby ratified and approved and the governor is authorized and directed forthwith to notify the governors, respectively, of the said states and the President of the United States, that the state of New Hampshire on its part has approved and ratified said compact or agreement. Upon its execution in quintuplicate by the commissioners of each of said states as aforesaid, a duly executed original thereof shall be filed in the office of the secretary of state of the state of New Hampshire, together with the original notice of ratification received from the governors of the remaining

signatory states, and such notice, if any, as may be received from the President or the Congress of the United States, signifying the approval by such Congress thereto.

3. Special Commissioners, Vacancy. If by death, resignation or otherwise, a vacancy occurs among those appointed hereunder to enter into and execute said compact or agreement for and on behalf of the state of New Hampshire, the governor, with the advice and consent of the council, is hereby authorized to fill the same.

4. Flood Control Commissioners, Appointment, Term. The state of New Hampshire shall be represented on "The Connecticut River Valley Flood Control Commission" by three commissioners, appointed by the governor, with the advice and consent of the council. The term of office of said commissioners shall be for six years and until their successors are appointed and qualified. Within thirty days after said agreement or compact shall become effective as provided in section 2 of this act the governor, with the advice and consent of the council, shall appoint three commissioners of the Connecticut river valley flood control commission to serve for terms of two, four and six years respectively. Thereafter all commissioners shall be appointed for the full term, except that commissioners appointed to fill vacancies shall hold office for the unexpired term.

5. Flood Control Commissioners, Removal. The governor and council may at any time remove any such commissioner for inefficiency, neglect of duty, or malfeasance in office, upon hearing, after notice in writing to the commissioner of the charges against him.

6. Commissioners, Compensation. The governor and council shall determine the compensation of said commissioners. Each member of said commission appointed by the governor and council who does not hold a salaried state office while he is a member thereof shall be compensated not to exceed fifteen dollars per day for each day's service performed by him in connection with his duties as such member.

7. Bonds and Notes Authorized. For the purpose of carrying out the provisions of article IX of said compact or agreement relating to the payment by the state to the Connecticut river valley flood control commission of the proportionate share of the state in the cost of acquisition of lands, ease-

ments and rights of way for the reservoirs therein provided as the initial plan, the state treasurer is hereby authorized, under the direction of the governor and council, to borrow upon the credit of the state sums not exceeding one hundred and thirty-five thousand dollars (\$135,000) in all and for that purpose may issue bonds and notes in the name of and on behalf of the state of New Hampshire at a rate of interest to be determined by the governor and council at the time of approval of the issue, said interest to be payable semi-annually. The maturity dates of such bonds and notes shall be not later than January 1, 1955. Such bonds and notes shall be in such form and such denominations and with such provisions for call or redemption as the governor and council may determine, may be registerable as to both principal and interest, shall be countersigned by the governor and council and shall be deemed a pledge of the faith and credit of the state.

8. Accounts. The secretary of state shall keep an account of all such bonds and notes as countersigned by the governor, showing the number and amount of each bond and note, the time of countersigning, the date of delivery to the treasurer and the date of maturity. The state treasurer shall keep an account of each bond and note, showing the number thereof, the name of the person to whom sold, the amount received for the same, the date of the sale and the date of maturity.

9. Sale; Disposition of Proceeds. The treasurer may negotiate and sell such bonds and notes by direction of, and in such manner as, the governor and council deem most advantageous to the state. The proceeds of the sale of such bonds and notes shall be held by the treasurer and paid by him upon warrants drawn by the governor for the purposes set forth in section 7 alone. The governor, with the advice and consent of the council, shall draw his warrants for the payment, from the funds provided for herein, of all sums expended or due for the purposes set forth in section 7.

10. Payment. The bonds and notes authorized by section 7 shall be a charge upon the sinking fund as constituted by chapter 126 of the Laws of 1931.

11. Short-Term Notes. Prior to the issuance of bonds hereunder, the treasurer, under the direction of the governor and council, may for the purposes as set forth in section 7, borrow money from time to time on short-term loans to be re-

funded by the issuance of the bonds hereunder, provided that at no one time shall the indebtedness of the state on such short-term loans exceed the sum of one hundred and thirty-five thousand dollars (\$135,000).

12. Appropriation; Expense of Operation and Maintenance.

For the purpose of carrying out the provisions of article XI of said compact or agreement, relating to the payment by the state to the Connecticut river valley flood control commission of the proportionate share of the state in the expenses of operation and maintenance of said reservoirs, there is hereby appropriated the sum of five thousand dollars, or so much thereof as may be found necessary, for the fiscal year ending June 30, 1938, and the sum of five thousand dollars or so much thereof as may be found necessary for the fiscal year ending June 30, 1939.

13. Takes Effect. This act shall take effect upon its passage.

[Approved June 30, 1937.]

CHAPTER 142.

AN ACT RATIFYING A PROPOSED AGREEMENT OR COMPACT BETWEEN THE STATE OF NEW HAMPSHIRE AND THE COMMONWEALTH OF MASSACHUSETTS, RELATING TO THE CREATION OF THE MERRIMACK RIVER VALLEY FLOOD CONTROL COMMISSION, PROVIDING FOR FLOOD CONTROL IN THE MERRIMACK RIVER BASIN AND FOR CARRYING OUT THE PROVISIONS OF SAID AGREEMENT OR COMPACT.

SECTION

1. Compact; execution by commissioners.
2. Takes effect on ratification and approval.
3. Special commissioners, vacancy.
4. Flood control commissioners, appointment, term.
5. Removal.

SECTION

6. Compensation.
7. Bonds and notes authorized.
8. Accounts.
9. Sale; disposition of proceeds.
10. Payment.
11. Short-term notes.
12. Appropriation.
13. Takes effect.

Be it enacted by the Senate and House of Representatives in General Court convened:

1. Compact; Execution by Commissioners. The governor, with the advice and consent of the council, shall appoint three persons as commissioners, all or any two of whom are hereby

authorized as commissioners upon the part of the state of New Hampshire, for and in its name and behalf to enter into and execute with the commonwealth of Massachusetts by and through the commissioners appointed or who may be appointed under or by virtue of a law of the legislatures of said state and commonwealth, an agreement or compact in the form following, that is to say:

WHEREAS, the commonwealth of Massachusetts and the state of New Hampshire recognize that destructive floods upon the Merrimack river, upsetting orderly processes and causing loss of life and property, including the erosion of lands, and impairing and obstructing highways, railroads and other channels of commerce between the aforesaid states, constitute a menace, and that investigations and improvements of said Merrimack river and its tributaries, including the watersheds thereof, for flood control purposes are in the interest of the general welfare of the aforesaid states; and

WHEREAS, under section 4 of an act of the Congress of the United States of America entitled "Public-No. 738-74th Congress—An Act authorizing the construction of certain public works on rivers and harbors for flood control, and for other purposes," approved June 22, 1936, "the consent of Congress" was "given to any two or more states to enter into compacts or agreements in connection with any project or operation authorized by this act for flood control or the prevention of damage to life or property by reason of floods upon any stream or streams and their tributaries which lie in two or more such states, for the purpose of providing, in such manner and such proportion as may be agreed upon by such states and approved by the secretary of war, funds for construction and maintenance, for the payment of damages, and for the purchase of rights of way, lands, and easements in connection with such project or operation;" and

WHEREAS, the Merrimack river, together with its tributaries, is such a waterway as is defined in said act of Congress above referred to, and the adequate and proper regulation of the destructive floods hereinbefore referred to upon said Merrimack river and its tributaries can best be accomplished by the mutual agreement and co-operation of the states hereinbefore named, by and through a joint or common agency; and

WHEREAS, under and by the terms of said act of Congress, hereinbefore referred to, the entire cost of construction of the various projects for flood control therein defined, is to be paid and discharged by the United States, and the signatory states hereto desire to avail themselves of the advantages and benefits accruing to them thereby and to be relieved of such cost of construction.

Now, therefore, the commonwealth of Massachusetts and state of New Hampshire do hereby enter into the following compact, to wit:

ARTICLE I

The principal purposes of this compact are:

(a) To promote interstate comity between the signatory states;

(b) To provide adequate storage capacity for impounding the waters of the Merrimack river and its tributaries, designed primarily for the protection of life and property from floods;

(c) To provide a joint or common agency through which the signatory states, while promoting, protecting and preserving to each the local interest and sovereignty of the respective signatory states, may more effectively co-operate in accomplishing the object of flood control in the basin of the Merrimack river and its tributaries, and, among other things:

(1) To acquire by lease from the states signatory hereto, or either of them, all lands, easements and rights of way necessary for the construction of the projects herein contemplated, without cost to the United States, except as provided in said act of Congress hereinbefore referred to;

(2) To hold and save the United States free from damages due to the construction works;

(3) To maintain and operate all the works contemplated after completion in accordance with regulations prescribed by the secretary of war;

(4) To accept from the signatory states hereto, and from any other source, contributions of moneys as hereinafter set forth for the purposes herein set forth, including without limiting the same, funds for the acquisition of lands, easements and rights of way, for the payment of damages and for the operation and maintenance of said flood control reservoirs,

and for the expenses incidental thereto and to the functions of the Merrimack river valley flood control commission hereinafter created.

ARTICLE II

There is hereby created "The Merrimack River Valley Flood Control Commission," hereinafter referred to as the commission, which shall consist of six commissioners, three of whom shall be residents of the commonwealth of Massachusetts and three of whom shall be residents of the state of New Hampshire. Each state shall choose its members of said commission in such manner and for such terms as may from time to time be provided by the law thereof. A commissioner may be removed or suspended from office as provided by the law of the state which he represents; and any vacancy occurring in said commission shall be filled in accordance with the law of the state in whose representation such vacancy exists. A majority of the members from each state shall constitute a quorum for the transaction of business, the exercise of any powers or the performance of any duties, but no action of the commission shall be binding unless at least two of the members from each state shall vote in favor thereof. The compensation of the members of said commission shall be fixed and paid by the state which they respectively represent. All necessary expenses incurred in the performance of their duties shall be paid from the funds of said commission. The commission shall elect from its members a chairman, vice-chairman, clerk and treasurer. Such treasurer shall furnish to said commission, at its expense, a bond with corporate surety, to be approved by said commission, in such amount as said commission may determine, conditioned for the faithful performance of his duties. The commission shall adopt suitable by-laws, and shall make such rules and regulations as it may deem advisable governing the operation of flood control projects, not inconsistent with the laws of the signatory states or laws of the United States, and any rules or regulations lawfully promulgated thereunder. The commission shall make an annual report to the governor of each of the signatory states, setting forth in detail the operations and transactions conducted by it pursuant to this compact and any legislation thereunder. The commission shall keep a record

of all its meetings and proceedings, contracts and accounts, and shall maintain a suitable office, where its maps, plans, documents, records and accounts shall be kept, subject to public inspection at such times and under such regulations as the commission shall determine.

ARTICLE III

The commission shall constitute a body, both corporate and politic, with full power and authority,—

(1) To acquire by lease and to hold lands, easements and rights of way for reservoirs herein contemplated, including such reservoirs, when and as completed, and any and all lands, easements and rights of way which may be necessary for the use and enjoyment of said reservoirs;

(2) To hold, maintain and operate reservoirs, including apurtenances, for the purposes of flood control;

(3) To receive funds and moneys from the signatory states or other sources, for the purpose of acquiring, operating and maintaining such reservoirs as may hereafter be constructed within the basin of the Merrimack river under the terms of this compact, including, without limiting the same, funds for the acquisition of lands, easements and rights of way, for the payment of damages and for the maintenance and operation of said reservoirs, and the expenses incidental thereto and to the functions of the commission;

(4) To sue and be sued;

(5) To have a seal and alter the same at pleasure;

(6) To appoint, employ or contract with such agents and employees, including the New Hampshire water resources board, as may be required in the proper performance of the duties hereby committed to the commission, and to fix and determine the qualifications, duties and compensations of such agents and employees;

(7) To enter into such contracts and agreements, and to do and perform any and all such acts, matters and things as may be necessary and essential to the full and complete performance of the powers and duties hereby committed to and imposed upon it in connection with the construction, operation and maintenance of the system of reservoirs hereby or hereafter authorized and as may be incidental thereto; and

(8) To have such additional powers and duties as may hereafter be delegated to or imposed upon it from time to time by the action of the legislature of either of said states, concurred in by the legislature of the other state.

The commission shall be charged with the duty, and it is hereby authorized and empowered, to give such assurances, satisfactory to the secretary of war, as are required by section 3 of the act of Congress hereinbefore referred to. The commission may make, or may cause to be made, such studies as it may deem necessary, in co-operation with the war department, for the development of a comprehensive plan of flood control, as herein defined, and for the efficient management and regulation of said flood control system, and from time to time shall make reports and recommendations in respect thereto to the governors of the signatory states. The commission shall not pledge the credit of the signatory states, or either of them, nor shall it convey, encumber, or in any way undertake to alienate the lands, easements and rights of way leased to it, as hereinafter provided, or any part thereof, or any interest therein, except by and with the consent of the signatory states.

ARTICLE IV

There shall be established in the Merrimack river basin as an initial plan of flood control the following two proposed reservoirs, to wit:

(1) At Franklin on the Pemigewasset river controlling a drainage area of approximately one thousand (1,000) square miles, and providing for flood control storage for approximately three and nineteen hundredths (3.19) inches of run-off over said drainage area, the dam at said reservoir to be constructed in such manner as to provide for flood control and in addition thereto to be so designed and constructed as to make it available for conservation or recreational purposes up to fifty per cent of the volume during such portions of the year as may be approved by the secretary of war.

(2) At Swetts Mills on the Blackwater river controlling a drainage area of one hundred and twenty-five (125) square miles and providing for approximately six and nine-tenths (6.9) inches of run-off over said drainage area, the dam of said reservoir to be constructed in such a manner as to provide for flood control, and in addition thereof, at the option of the state

of New Hampshire, to be so designed and constructed as to provide for further development by increasing storage capacity, the added storage to be used for water conservation or power development.

The type and general plans for the construction of the two reservoirs herein provided to be constructed as an initial plan of flood control on the Merrimack river basin are to be approved by the Merrimack river valley flood control commission, hereinbefore created, before any construction work thereon is begun or prosecuted. So far as any of the foregoing reservoirs may be constructed for the combined purpose of flood control and conservation or recreational purposes, neither of the signatory states wherein such reservoirs are located shall be obligated to pay any additional cost of construction.

ARTICLE V

To the end that the Merrimack river valley flood control commission may give to the secretary of war the assurances required under section 3 of the act of Congress hereinbefore referred to, and that the lands, easements and rights of way necessary for the construction by the United States of the reservoirs and structures thereon, herein contemplated, may be provided, each state at the request of the commission shall proceed forthwith to acquire title to and possession of the lands, easements and rights of way within its territorial limits, which are determined and designated by the commission for the construction of such reservoir or reservoirs. Such acquisition shall be by purchase or by the exercise of the right of eminent domain, as said commission may direct, and in the manner now or hereafter provided for by the law of the state wherein such lands, easements and rights of way are located. Title to such lands, easements and rights of way shall be taken in the name of the state wherein the same are located. The cost of acquisition, as hereinafter defined, shall be borne by said commission and paid from and out of the funds contributed by the signatory states for such purpose, as hereinafter provided. Each state, upon notice from and at the sole expense of said commission, shall forthwith proceed to make, or cause to be made, such highway relocations, including the acquisition of all necessary rights of way therefor, and the construction of such relocated highway, as may become necessary therein because of the construction, operation and mainte-

nance of any reservoir or reservoirs for flood control purposes; provided, however, that due allowance shall be made on account of any improved type of construction of such relocated highway. The character, location, route and construction of such relocated highways shall be determined by the state wherein such relocated highways are situated. Any new or relocated highway shall, after construction, be and become a public way in the town in which located, or, if built as a relocation of a state highway, shall become a state highway, and when the commission shall have notified the town or the state, as the case may be, of the completion of said highway, the jurisdiction and responsibility of the commission over same shall cease and shall devolve upon the town or state in which the way is located. In like manner, such state, at the expense of the commission and upon its request shall procure the relocation of any railroad, electric transmission, telephone or telegraph lines, or other public utility structures, including new rights of way therefor as may be essential on account of the construction, operation and maintenance of such reservoir for flood control purposes.

ARTICLE VI

The commission shall save the states in which such reservoirs are located, free and harmless from all loss, cost, damage or expense in connection with the flood control, operation and maintenance of such reservoir or reservoirs except as hereinafter provided in articles X and XII.

In the construction and maintenance of such reservoir or reservoirs the commission shall cause the area which may be flowed thereby when full, to be cleared of buildings and all such trees, brush and underbrush as from time to time may be damaged or killed by such flowage; shall cause borrow pits or banks, other excavations or unused accumulations of material and debris, to be leveled, graded, masked, removed or otherwise disposed of in such a way as to leave no holes or other unsightly conditions therein; and shall cause all water pockets to be properly drained and the premises affected by such flowage to be landscaped in such manner as may reasonably preserve the natural condition of such premises before such construction, except as the same necessarily may be changed thereby.

The lands, easements and rights of way hereby leased shall be exempt from all taxation but the said commission shall

make payments on or before the first day of October of each year to each town in which such lands, easements and rights of way, respectively, are located, of a sum equal to the taxes which would have been assessed against the said lands, easements and rights of way in such town if the same had been included in the list of taxable property for such year, at the assessed valuation of the same as determined for the tax year 1936. Provided, however, that no payment shall be made or required hereunder on account of reimbursement for loss of taxes on any structure which may be erected on such premises in connection with the construction or use of said project, or on account of any railroad or other public utility which may be relocated under the terms of this compact, and which thereafter is included in the list of taxable property in said town when relocated.

ARTICLE VII

When said lands, easements and rights of way essential to the construction of any dam or reservoir shall have been acquired as hereinbefore provided, the state wherein the same are located shall make, execute and deliver to said commission a good and sufficient lease of the same, to include the structures thereon when completed and accepted by the state, except as hereinafter provided, upon the terms and conditions following, to wit:

(a) The said commission shall save the state in which said reservoirs are respectively located, free and harmless from all loss, cost, damage or expense in connection with the control, operation and maintenance of said reservoir or reservoirs except as hereinafter provided in articles X and XII.

(b) In the construction and maintenance of such reservoir or reservoirs, the area which may be flowed thereby, when full, shall be cleared of buildings and of such trees, brush and underbrush as from time to time may be damaged or killed by such flowage; borrow pits or banks, other excavations or unused accumulations of material and debris, shall be leveled, graded, masked, removed or otherwise disposed of in such a way as to leave no holes or other unsightly conditions therein; all water pockets shall be properly drained; and the premises affected by such flowage shall be landscaped in such manner as may reasonably preserve the natural condition of such

premises before such construction, except as the same necessarily may be changed thereby.

(c) The lands, easements and rights of way hereby leased shall be exempt from all taxation; but the said commission shall make payments on or before the first day of October of each year to each town in which such lands, easements and rights of way, respectively, are located, of a sum equal to the taxes which would have been assessed against the said lands, easements and rights of way in such town if the same had been included in the list of taxable property for such year, at the assessed valuation of the same as determined for the tax year 1936. Provided, however, that no payment shall be made or required hereunder on account of reimbursement for loss of taxes on any structure which may be erected on such premises in connection with the construction or use of said project; or on account of any railroad or other public utility which may be relocated under the terms of this compact and which thereafter is included in the list of taxable property in said town when relocated.

(d) The lands, easements and rights of way herein described are leased and demised solely for the purpose of flood control, and for no other purpose, and the said lessor hereby excepts from this lease and reserves unto itself all benefit or advantage of water conservation, power storage or power development that may be inherent in such reservoir site, with the right, at such time as it may determine and upon compliance with the requirements of the United States respecting the adjustment and payment of any added construction cost by reason of the type of construction adapted for that purpose, and the assumption and payment of the cost of acquiring any additional lands, easements and rights of way necessitated by such additional developments, and the full preservation of the principal purpose of flood control, to develop the same in such manner and for such purpose as may be essential to the full beneficial use thereof.

(e) The term of said lease shall be for the period of nine hundred and ninety-nine years, subject only to be defeated by a breach of the terms or the conditions in this article set forth.

ARTICLE VIII

The cost of acquisition of lands, easements and rights of way, as used or referred to herein, shall be deemed to include the cost of:

(1) The purchasing or condemning of lands, easements and rights of way of every kind and nature required or essential in the construction, development, operation and maintenance of such reservoirs as an effective agency for flood control, and including, among other things, camp sites, borrow banks or pits, rock ledges, gravel deposits and rights of way thereto in the vicinity of the dam necessary for the construction and maintenance thereof.

(2) The reconstruction, relocation or elevation of public highways, including bridges or other structures;

(3) The reconstruction or relocation of public service utilities, including railroads and the alteration of bridges and structures thereon, whether publicly or privately owned;

(4) The reconstruction or relocation of telegraph, telephone or electric distribution and transmission lines, pipe lines, aqueducts, water or gas mains;

(5) And any and all other damages, expenses or costs that may be necessitated or incurred in procuring and providing the sites necessary for the construction of the reservoirs herein contemplated, including the cost and expense of acquiring such lands, easements and rights of way and procuring the reconstruction or relocation of the highways, bridges, railroads, telephone, telegraph and electric lines, pipes, aqueducts and mains above-mentioned, or the rights of way for the same, or any other similar expenditures.

ARTICLE IX

The rights to be acquired and exercised by the commission are solely for flood control purposes, and each of the respective signatory states, wherein any reservoir may be situated, reserves respectively unto itself all benefit or advantage of water conservation, power storage or power development that may be inherent in such reservoir site. In the event either signatory state may wish to preserve to itself the value of such site for the purposes aforesaid, it may, through an appropriate agency of the state, so notify the United States, through the war department, before any construction work is

commenced hereunder for flood control purposes, so that the design and construction of the dam at such site may be developed in such manner as to provide for further development as a storage reservoir for the conservation of water, enhancement of stream flow or power development. Provided, however, that nothing herein contained shall be deemed to prevent either state, at its option, at any time hereafter, by itself or through such agency as it may designate, from developing any such reservoir or reservoirs for use for water conservation, power storage or power development, in order that it may avail itself of the full beneficial use and enjoyment of the rights herein reserved. In such event, such state shall pay or provide for the payment of all costs or expenses necessary for such further development, including adaptation of any existing dam and works to such purpose, in accordance with plans approved by the secretary of war, and at all times fully preserve the primary purpose of flood control. The terms and conditions under which any such signatory state shall make available the rights of water conservation, power storage or power development herein reserved shall be determined by separate agreement or arrangement between such state and the United States, and the type and general plans for the construction of such of the reservoirs as are herein contemplated to provide for such further development shall be approved by some agency of such state, for that purpose duly authorized, before any construction thereon is begun or prosecuted.

ARTICLE X

In order that an adequate fund may be established and created from which payments for the acquisition of lands, easements and rights of way may be made, the signatory states become bound and each hereby obligates itself to pay to the commission the proportion of the cost of acquisition of lands, easements and rights of way respectively set forth below, and subject to the limitations hereinafter provided as follows:

(1) The commonwealth of Massachusetts fifty per cent thereof.

(2) The state of New Hampshire fifty per cent thereof. Provided, however, that it is the understanding, intent and purpose of the parties hereto that the cost of acquisition of

lands, easements and rights of way for two reservoirs, provided for herein, shall not exceed the sum of two million two hundred and eighty-five thousand dollars (\$2,285,000), and that the drainage area of the Merrimack river basin to be controlled thereby shall be approximately twenty-two and one-half (22.5) per cent thereof; and it is expressly provided that the maximum amount for the cost of acquisition of lands, easements and rights of way to which each of the signatory states shall be bound or obligated on account of said two reservoirs shall not exceed the respective proportions hereinbefore set forth of said sum of two million two hundred and eighty-five thousand dollars (\$2,285,000). The fiscal year shall be deemed to begin on July first and end on June thirtieth. Payment by the signatory states of the cost of acquisition shall be made as and when requested by the commission on or after July 1, 1937; provided that no more than one half of said sum of two million two hundred and eighty-five thousand dollars (\$2,285,000) shall be required to be paid in any fiscal year after said date.

ARTICLE XI

In the execution of the initial plan of two reservoirs herein contemplated said commission, with the approval of the secretary of war, shall determine the order in which the construction work of the same shall be commenced and prosecuted. The initial plan for the construction of two reservoirs herein mentioned and provided for is part of a long range comprehensive program for flood control on the Merrimack river and its tributaries, the object and purpose of the signatory states being to enlarge and expand such flood control projects to an ultimate control. In the further development of such comprehensive program, said commission shall determine from time to time the site, character, location and extent of such additional reservoirs, subject to the approval of the legislature of the state in which the same may be located.

ARTICLE XII

Each of the signatory states shall annually contribute and pay to the commission the respective proportions of the expense of operation and maintenance of the flood control reservoirs hereafter constructed under the terms of this agreement as follows: The commonwealth of Massachu-

setts fifty per cent thereof, the state of New Hampshire fifty per cent thereof, and each state shall make adequate provision for compliance on its part with the provisions of this article, and funds shall be made available as and when required upon the requisition of the commission. As a part of the expense of operation and maintenance of said reservoirs the commission shall assume and pay to the respective towns entitled thereto the cost of reimbursement for loss of taxes, as set forth and required in the third paragraph of article VI hereof, and shall pay all costs incident to or damages resulting from the operation and maintenance of such flood control reservoirs, and shall save the United States free and harmless on account thereof, and shall pay all other costs or expenses which may be necessary in the operation and maintenance thereof, including the expenses of the members of said commission hereinbefore provided to be paid out of the funds of said commission.

ARTICLE XIII

Each of the signatory states hereby releases and discharges the other and the commission of and from all damages, which may be claimed to result from the obstruction, detention, impounding, storage, release or diversion of the waters of said Merrimack river and its tributaries, so far as the same may be in any way affected by the construction, operation or maintenance of the reservoirs herein contemplated.

ARTICLE XIV

This compact shall become operative and effective when approved by the legislatures of each of the signatory states and by the Congress of the United States. Notice of approval shall be given by the governor of each state to the governor of the other state and to the President of the United States, and the President of the United States is requested to give notice to the governor of each of the signatory states of its approval by the Congress of the United States.

In Witness Whereof, this compact has been executed by the Commonwealth of Massachusetts on the _____ day of _____ A. D. 19____, by its Planning Board thereunto lawfully authorized, and by the State of New Hampshire on the _____ day of _____ A. D. 19____, by its commissioners thereunto lawfully authorized.

For the Commonwealth of Massachusetts.

Chairman of State Planning Board.

For the State of New Hampshire,

2. Compact, Takes Effect on Ratification and Approval. The said agreement or compact when approved by the legislatures of each of said states and by the Congress of the United States, shall thereupon become operative and effective. The said agreement or compact is hereby ratified and approved and the governor is authorized and directed forthwith to notify the governor of the commonwealth of Massachusetts and the President of the United States, that the state of New Hampshire on its part has approved and ratified said compact or agreement. Upon its execution in quintuplicate by the commissioners of each of said states as aforesaid, a duly executed original thereof shall be filed in the office of the secretary of state of the state of New Hampshire, together with the original notice of ratification received from the governor of the commonwealth of Massachusetts, and such notice, if any, as may be received from the President or the Congress of the United States, signifying the approval by such Congress thereto.

3. Special Commissioners, Vacancy. If by death, resignation or otherwise, a vacancy occurs among those appointed hereunder to enter into and execute said compact or agreement for and on behalf of the state of New Hampshire, the governor, with the advice and consent of the council, is hereby authorized to fill the same.

4. Flood Control Commissioners, Appointment, Term. The state of New Hampshire shall be represented on "The Merrimack River Valley Flood Control Commission" by three com-

missioners, appointed by the governor, with the advice and consent of the council. The term of office of said commissioners shall be for six years and until their successors are appointed and qualified. Within thirty days after said agreement or compact shall become effective as provided in section 2 of this act the governor, with the advice and consent of the council, shall appoint three commissioners of the Merrimack river valley flood control commission to serve for terms of two, four and six years respectively. Thereafter all commissioners shall be appointed for the full term, except that commissioners appointed to fill vacancies shall hold office for the unexpired term.

5. Flood Control Commissioners, Removal. The governor and council may at any time remove any such commissioner for inefficiency, neglect of duty, or malfeasance in office, upon hearing, after notice in writing to the commissioner of the charges against him.

6. Commissioners, Compensation. The governor and council shall determine the compensation of said commissioners. Each member of said commission appointed by the governor and council who does not hold a salaried state office while he is a member thereof shall be compensated not to exceed fifteen dollars per day for each day's service performed in connection with his duties as a member.

7. Bonds and Notes Authorized. For the purpose of carrying out the provisions of article X of said compact or agreement relating to the payment by the state to the Merrimack valley flood control commission of the proportionate share of the state in the cost of acquisition of lands, easements and rights of way provided for herein the state treasurer is hereby authorized, under the direction of the governor and council, to borrow upon the credit of the state sums not exceeding one million one hundred forty-three thousand dollars (\$1,143,000) in all and for that purpose may issue bonds and notes in the name of and on behalf of the state of New Hampshire at a rate of interest to be determined by the governor and council at the time of approval of the issue, said interest to be payable semi-annually. The maturity dates of such bonds and notes shall be not later than January 1, 1955. Such bonds and notes shall be in such form and such denominations and with such provisions for call or redemption as the governor and council may determine, may be registerable as to both principal and interest,

shall be countersigned by the governor and council and shall be deemed a pledge of the faith and credit of the state.

8. Accounts. The secretary of state shall keep an account of all such bonds and notes as countersigned by the governor, showing the number and amount of each bond and note, the time of countersigning, the date of delivery to the treasurer and the date of maturity. The state treasurer shall keep an account of each bond and note, showing the number thereof, the name of the person to whom sold, the amount received for the same, the date of the sale and the date of maturity.

9. Sale; Disposition of Proceeds. The treasurer may negotiate and sell such bonds and notes by direction of, and in such manner as, the governor and council deem most advantageous to the state. The proceeds of the sale of such bonds and notes shall be held by the treasurer and paid by him upon warrants drawn by the governor for the purposes set forth in section 7 alone. The governor, with the advice and consent of the council, shall draw his warrants for the payment, from the funds provided for herein, of all sums expended or due for the purposes set forth in section 7.

10. Payment. The bonds and notes authorized by section 7 shall be a charge upon the sinking fund as constituted by chapter 126, of the Laws of 1931.

11. Short-Term Notes. Prior to the issuance of bonds hereunder, the treasurer, under the direction of the governor and council, may for the purposes as set forth in section 7, borrow money from time to time on short-term loans to be refunded by the issuance of the bonds hereunder, provided that at no one time shall the indebtedness of the state on such short-term loans exceed the sum of one million one hundred forty-three thousand dollars (\$1,143,000).

12. Appropriation; Expense of Operation and Maintenance. For the purpose of carrying out the provisions of article XII of said compact or agreement, relating to the payment by the state to the Merrimack river valley flood control commission of the proportional share of the state in the expenses of operation and maintenance of said reservoirs, there is hereby appropriated the sum of fifteen thousand dollars (\$15,000), or so much thereof as may be found necessary, for the fiscal year ending June 30, 1938, and the sum of fifteen thousand dollars (\$15,000), or so much thereof as may be found necessary, for the fiscal year ending June 30, 1939.

13. Takes Effect. This act shall take effect upon its passage.

[Approved June 30, 1937.]

CHAPTER 143.

AN ACT CREATING A PROBATION DEPARTMENT.

SECTION	SECTION
1. Board of probation.	10. Investigations.
2. Duties of the board.	11. Collections and disbursements.
3. Executive officer.	12. Receipts.
4. Office quarters and expenses.	13. Recognizance.
5. Probation officers selected and assigned.	14. Violation and termination of probation.
6. Compensation and quarters.	15. Transfers.
7. Bonds.	16. Authority limited.
8. Powers and duties.	17. Separability.
9. Probation and suspension of sentence.	18. Appropriations.
	19. Takes effect.

Be it enacted by the Senate and House of Representatives in General Court convened:

1. Board of Probation. There shall be a board of probation, created immediately upon the passage of this act, said board to consist of three members, not more than two of whom shall be from any one major political party, to be appointed by the governor and council, for periods of three, two and one years respectively, and thereafter one every year for a three-year term to fill the vacancy then arising. All members of the board shall serve without pay, but shall be reimbursed by the state for the necessary expenses incurred in the performance of their duties. Any member of the board may be removed for cause by the governor, with the advice and consent of the council. The board shall elect a chairman and clerk.

2. Duties of the Board. The duties of the board shall be (1) to employ an executive officer, (2) to make available by employment or otherwise necessary psychiatric and psychological service, (3) to establish rules and regulations for the selection, employment, training and work of probation officers, and (4) to report biennially to the general court facts and recommendations relating to the administration of justice in this field.

3. Executive Officer. The board shall appoint a director of probation. He shall perform such duties as may be required of him by the board and shall receive from the state such

salary as is fixed by the board, with the approval of the governor and council, and shall be allowed the necessary expense incurred in the performance of his duties.

4. Office Quarters and Expenses. The director shall be provided with suitable office accommodations and may employ such office assistants as the board shall deem necessary.

5. Probation Officers Selected and Assigned. Probation officers shall be appointed by the board upon the recommendation of the director from a list found qualified by the board. Such officers shall be assigned to and reside in counties or districts of the state to be designated by the board. For a period of two years from the passage of this act no more than four probation officers shall be appointed by the board. However, municipal courts in towns having a population of over five thousand shall and other courts may appoint one or more qualified probation officers for their respective courts. Such officers shall be subject to supervision by the board and each shall hold his office during the pleasure of the board.

6. Compensation and Quarters. The salaries of state probation officers shall be fixed by the board, with the approval of the governor and council, and paid by the state treasurer. The salary of each court-appointed officer shall be fixed by the justice of the court under whose jurisdiction he acts, and shall be paid by the town in which the court is established. The board shall secure such quarters and office facilities in the county or counties to which the state probation officers are assigned as may be reasonably required. Expenses to be incurred by a state probation officer in going out of the state for purposes directed by a court, shall be advanced on the court's order and be accounted for by the officer upon his return. All such expenses shall be audited by the court and charged to funds appropriated by the state for the administration of the act.

7. Bonds. Before performing any official duty each state probation officer shall give a suitable bond at the expense of the state.

8. Powers and Duties. The duties of probation officers shall be:

I. To investigate at the request of any court any case, matter or question, whether then pending or not, and to report to such court the result of such investigation, with recommendations.

II. To take charge of such persons before, at and after hearing of their cases as the court may direct, and transport them to agencies or institutions to which they may be committed, and to perform any duties as probation officers, assigned to them by the board or any court.

III. To supervise persons released on parole by any institution, if so requested by such institution, on such terms and conditions as may be agreed to by the board.

IV. To receive under supervision, upon the request of any court, any person placed on probation, or ordered to pay any sums for support in a judgment of divorce, legal separation, non-support or illegitimacy.

V. To keep informed concerning the conduct and conditions of persons on probation and impel their obedience to the orders of the court.

VI. To keep detailed records of each case, accounts of all money collected and disbursed, and to give and obtain receipts therefor, and to make such reports to the courts and to the board as they may require.

VII. To perform all other duties within the general purview of this and other related acts in the execution of which they shall have all the powers of police officers under the laws of this state.

9. Probation and Suspension of Sentence. Any court shall have power to suspend imposition or execution of sentence and to place the defendant on probation for a period not to exceed five years.

10. Investigations. No defendant shall be placed on probation until the report of the investigation by a probation officer shall have been presented to and considered by the court having jurisdiction. Whenever a petition for the adoption of or the appointment of a guardian over a minor under eighteen years of age is filed in any court of probate, the judge thereof may cause an investigation and report to be made by a probation officer for his consideration.

11. Collections and Disbursements. The collection and disbursement of fines and restitution-payments and payments ordered in divorce, non-support and bastardy cases may be made by probation officers when so ordered by the court.

12. Receipts. The probation officer shall give and take receipts upon forms prescribed by the board for all money re-

ceived or paid out by him. Receipts taken and duplicates of receipts given shall be filed with the clerk of the court in which the case is pending.

13. Recognizance. The court, in releasing a person from custody on probation, may, in its discretion, require him to enter into a recognizance, with or without surety, in such sum as the court may order.

14. Violation and Termination of Probation. The court may at any time discharge a person from probation. In case a probationer has violated any of the conditions of his probation any probation officer with or without a warrant, and any other officer with a warrant may arrest him, and the court, after summary hearing, may make such orders as justice requires.

15. Transfers. A court may, when justice or convenience requires, transfer a person on probation from the supervision of one probation officer to that of another.

16. Authority Limited. This act shall not be construed as authorizing any public official, agent or representative in carrying out any of the provisions of this act to take charge of any child over the objection of either of the parents of such child or of the person standing *in loco parentis* to such child, except pursuant to a court order.

17. Separability. If any provision of this act is declared unconstitutional or the application thereof to any person or circumstances is held invalid, the validity of the remainder of the act and the application of such provision to other persons and circumstances shall not be affected thereby.

18. Appropriation. There shall be and is hereby appropriated for this act the sum of twenty-five thousand dollars for the fiscal year ending June 30, 1938, and the sum of twenty-five thousand dollars for the fiscal year ending June 30, 1939.

19. Takes Effect. This act shall take effect October 1, 1937, and all acts or parts of acts inconsistent herewith are hereby repealed.

[Approved June 30, 1937.]

CHAPTER 144.

AN ACT RELATING TO THE TAKING OF FISH.

SECTION

1. Open season, brook trout.

2. Limit; smelt.

SECTION

3. Takes effect.

Be it enacted by the Senate and House of Representatives in General Court convened:

1. Open Season. Amend section 2, chapter 155, Laws of 1935, by striking out the same and inserting in place thereof the following: **2. Brook Trout.** Brook trout not less than seven inches in length may be taken by the use either of bait or artificial flies from May first to September first, and during the month of September by the use of artificial flies only, from the following waters:

I.* Ferrin pond in Weare, Gustin pond in Marlow, Hall ponds in Sandwich, Jackknife Hill brook in Errol and Lily pond in Gilford.

II.† Long pond in Benton, Lucas pond in Northwood, Martin Meadow pond in Lancaster, Millsfield pond brook in Millsfield and Errol, Mount William pond in Weare, Nippo pond in Barrington.

III. Pine river in Effingham and Ossipee, Pleasant pond in Deerfield, Poverty pond in Hill, Robartwood lake in Camp-ton, Rocky Bound pond in Croydon and Round pond in Pitts-burg.

IV.* Saltmarsh pond in Gilford, Shawtown pond in Freedom, Smoky Camp brook in Errol, Spectacle pond in Groton and Hebron, Sand pond in Marlow and Stratford Bog in Stratford.

V. Of brook trout taken under the preceding provisions of this section no person may take more than ten in number, nor more than five pounds in weight when taken, in one day; provided that so long as he has taken less than ten in number or five pounds in weight, he shall be entitled to take one additional fish.

2-a. Brook Trout. Brook trout not less than seven inches in length may be taken by the use either of bait or artificial flies from May twentieth to September first and by the use of

* Amended, chapter 170, *post*.

† Amended, chapters 170, 188, *post*.

artificial flies only during the month of September from Back lake in Pittsburg and Little Diamond pond in Stewartstown; and said trout may be taken by the use either of bait or artificial flies from April fifteenth, or as soon thereafter as the ice goes out, to September first and by the use of artificial flies only during the month of September from Partridge lake in Littleton. The provisions of paragraph V of section 2 shall apply to the taking of brook trout under the provisions of this section.

2. Limit. Amend section 15 of chapter 201 of the Public Laws, as inserted by section 5 of chapter 124 of the Laws of 1935, by striking out the whole of said section 15 and inserting in place thereof the following: **15. Smelt.** Fresh water smelt may be taken and possessed by means of a dip net, held in the hand, and for bait by means of a circular drop net not more than forty-eight inches in diameter. A person may take a total of not more than five pounds of fresh water smelt between twelve o'clock noon in one day and twelve o'clock noon the following day. They may be bought and sold only for use as bait.

3. Takes Effect. This act shall take effect upon its passage.

[Approved June 30, 1937.]

CHAPTER 145.

AN ACT RELATING TO FLY FISHING.

SECTION

1. Brook trout; fly fishing.

SECTION

2. Takes effect.

Be it enacted by the Senate and House of Representatives in General Court convened:

1. Open Season. Amend section 1, chapter 155 of the Laws of 1935 by striking out the whole of said section and inserting in place thereof the following: **1. Brook Trout; Fly Fishing.** Brook trout not less than seven inches in length may be taken from May first to October first, except as hereinafter provided, by the use of artificial flies only from the following waters. No person may have in his possession more than two days' legal catch.

I. Armington lake in Piermont, Beaver pond in Woodstock, Clarksville pond in Clarksville, East Inlet and tributaries

to Second Connecticut lake in Pittsburg, Coon Brook Bog in Pittsburg, the Connecticut river from the First Connecticut lake dam to the covered bridge at the Archie Heath place, so-called, in Pittsburg.

II. Duck pond in Weare, Echo lake in Conway, Glen Ellis river, between covered bridge in Jackson and Goodrich Falls dam in Bartlett, Grimestone reservoir in Belmont.

III. Hunkins pond in Sanbornton, James pond in Tamworth, Little Millsfield pond in Millsfield, Mirror lake in Woodstock.

IV. Newfound river from the dam at the outlet of Newfound lake to the Dodge and Davis woolen mill dam in Bristol, March pond in Hill, Moody pond in Weare, Moose pond in Millsfield, Morey pond in Andover.

V. Profile lake in Franconia, Round pond in Nottingham.

VI. Sawyer pond in Livermore, Scobie's pond in Derry, Scott's Bog in Pittsburg, Swift river in Tamworth, Stonehouse pond in Barrington, Upper pond of Ellsworth Three ponds in Ellsworth and Warren.

VII. White pond in Ossipee.

VIII. No person, taking brook trout as provided in the preceding provisions of this section, may take more than ten in number nor more than five pounds in weight when taken, in one day; provided that so long as he has taken less than ten in number or five pounds in weight he shall be entitled to take one additional fish.

IX. Adams pond in Hill, Reservoir pond in Hill, Shaw pond in Franklin, Stirrup Iron brook pond in Salisbury, provided that no person may take from said ponds more than five in number nor more than five pounds in weight when taken, in one day except that so long as he has taken less than five in number or five pounds in weight he shall be entitled to take one additional fish.

X. Any species of trout not less than seven inches in length may be taken from Martin Meadow pond in Lancaster from June first to October first, but no person may take in one day a total of more than two pounds of trout, regardless of species; provided that if he has taken less than two pounds he shall be entitled to take one additional fish.

2. **Takes Effect.** This act shall take effect upon its passage.

[Approved June 30, 1937.]

CHAPTER 146.

AN ACT EXTENDING THE APPROPRIATIONS HERETOFORE MADE FOR
OLD AGE ASSISTANCE AND POOR RELIEF.

SECTION

1. Time extended.
2. Appropriations extended.

SECTION

3. Takes effect.

*Be it enacted by the Senate and House of Representatives in
General Court convened:*

1. Time Extended. Amend section 24 of chapter 20 of the Laws of 1935 by striking out the date "June 30" and inserting in place thereof the date July 31, so that said section as amended shall read as follows: **24. Duration of Act.*** The provisions of this act shall terminate July 31, 1937, unless the legislature shall alter or amend this act prior to that date. Upon such termination the board of welfare and relief and the directors of the divisions of said department shall cease to have the powers and duties by this act conferred upon them, and the affairs of the organization for supervision of poor relief hereby set up shall be wound up and liquidated.

2. Appropriations Extended. Any balance of funds appropriated by chapter 20 of the Laws of 1935, for the board of welfare and relief, and any balance of funds appropriated by section 25, chapter 127, Laws of 1935, for old age assistance, are hereby made available to the board of welfare and relief for the purposes of said chapters 20 and 127 for the period from June 30 to July 31, 1937.

3. Takes Effect. This act shall take effect as of June 30, 1937.

[Approved June 30, 1937.]

CHAPTER 147.

AN ACT AUTHORIZING TOWNS, CITIES AND OTHER MUNICIPAL
CORPORATIONS TO ACCEPT THE WORKMEN'S COMPENSATION
PROVISIONS OF CHAPTER 178 OF THE PUBLIC LAWS.

SECTION

1. Workmen's compensation.

SECTION

2. Takes effect.

*Be it enacted by the Senate and House of Representatives in
General Court convened:*

1. Workmen's Compensation. Amend chapter 178 of the Public Laws by inserting after section 4 the following new sec-

* Amended, chapters 177, 185, 202, *post*.

tion: 4-a. **Acceptance, Towns and Municipalities.** Any county, town, city, school district, or any other district established by law, may accept for designated or for all workmen in its employ, the provisions of this chapter as contained in the succeeding sections, and it shall thereafter be liable to such workmen for any injury arising out of and in the course of their employment in the manner provided in the following sections. The liability of any county, town, city, or district accepting said provisions of this chapter shall not otherwise be enlarged or extended. The acceptance for a county may be made by the commissioners thereof, for a town by the selectmen thereof, for a city by the city council or by any board or officer having like powers, for a school district by the school board thereof, and for any other district by the commissioners thereof. The commissioners or municipal board having by law the management of a municipal water works, municipal lighting plant, or any municipal department created by law may for the district, town or other municipality responsible therefor accept said provisions as to workmen employed in such water works, lighting plant, or other municipal department. The acceptance shall be in writing and effective when filed with the commissioner of labor. Revocation of such acceptance may be made in the same manner as the acceptance and the revocation shall be effective when filed with the commissioner of labor.

2. Takes Effect. This act shall take effect June 30, 1937. [Approved June 30, 1937.]

CHAPTER 148.

AN ACT TO PROVIDE FOR CO-OPERATION WITH THE UNITED STATES
GEOLOGICAL SURVEY IN THE ESTABLISHMENT AND MAIN-
TENANCE OF STREAM FLOW GAUGING STATIONS, AND
FOR AN EXTENSION OF TIME FOR USE OF FUNDS
APPROPRIATED FOR THE NEW HAMPSHIRE
WATER RESOURCES BOARD.

SECTION

1. Stream flow gauging stations.
2. Appropriation.

SECTION

3. Extension of appropriation.
4. Takes effect.

*Be it enacted by the Senate and House of Representatives in
General Court convened:*

1. Stream Flow Gauging Stations. The New Hampshire water resources board shall co-operate with the United States

Geological Survey in the establishment and maintenance of stream flow gauging stations on streams in this state for the purpose of providing the people and industries of this state with information which will assist them in the determination of plans for flood prevention and the conservation of natural water resources of the state, for water supply, recreation, sanitation and power production.

2. Appropriation. For carrying out the purposes of the preceding section the sum of seven thousand two hundred and fifty dollars (\$7,250) is hereby appropriated for the fiscal year beginning July 1, 1937, and a like sum for the year beginning July 1, 1938. Of the sums herein appropriated, the sum of two thousand seven hundred and fifty dollars (\$2,750) for each of said years shall be a charge upon the highway funds, and the sum of four thousand five hundred dollars (\$4,500) for each of said years shall be a charge upon the funds provided by section 18, chapter 121, Laws of 1935.

3. Extension of Appropriation. Any unexpended balance of the appropriation of one hundred thousand dollars provided for by section 18 of chapter 121 of the Laws of 1935 is hereby made available to the New Hampshire water resources board, for the purposes of said chapter 121, for the purposes of chapter 133, Laws of 1937, and for purposes specified by this act, for the biennium ending June 30, 1939.

4. Takes Effect. This act shall take effect July 1, 1937.
[Approved July 1, 1937.]

CHAPTER 149.

AN ACT RELATING TO PAYMENT OF WAGES.

SECTION

1. Payment of wages in cases of discharged employees and employees quitting.

SECTION

2. Takes effect.

Be it enacted by the Senate and House of Representatives in General Court convened:

1. Wages. Amend chapter 176 of the Public Laws by inserting after section 28-a, as inserted by section 2, chapter 102, Laws of 1935, the following new section: **28-b. Employees who are Separated From Pay Roll Before Pay Days.**

I. Discharged Employees. Whenever an employer separates an employee from the pay roll the unpaid wages or

compensation of such employees shall become due immediately upon demand by the employee of the employer or his paymaster, and the employer shall pay such wages to the employee within seventy-two hours of the time of such demand, except where such employees are working at other than the principal place of business, then such employee shall receive the wages due on the next regular pay roll date. In case of any failure to pay wages due an employee as thus provided, the wages of such employee shall continue for the period of one week from the date of separation at the same rate which said employee received at the time of separation. The employee may recover the penalty thus accruing to him in a civil action. Said action must be commenced within sixty days from the date of separation; provided, however, that any employee who secretes or absents himself to avoid payment to him or who refuses to receive payment when tendered shall not be entitled to any penalty under this paragraph for such time as he avoids payment.

II. Employees Quitting. Whenever an employee (not having a written contract for a definite period) quits or resigns his employment, the wages or compensation earned shall become due and payable not later than the next regular pay day.

III. Industrial Disputes. In the event of the suspension of work as the result of an industrial dispute, the wages and compensation earned and unpaid at the time of said suspension shall become due and payable at the next regular pay day, as provided in section 25 hereof, including, without abatement or reduction, all amounts due all persons whose work has been suspended as a result of such industrial dispute, together with any deposit or other guaranty held by the employer for the faithful performance of the duties of the employment.

2. Takes Effect. This act shall take effect upon its passage.

[Approved July 1, 1937.]

CHAPTER 150.

AN ACT RELATING TO APPLICANTS FOR EXAMINATIONS FOR THE
PRACTICE OF MEDICINE.

SECTION

1. Practice of medicine.

SECTION

2. Takes effect.

*Be it enacted by the Senate and House of Representatives in
General Court convened:*

1. Practice of Medicine. Amend section 10 of chapter 204 of the Public Laws by striking out said section and inserting in place thereof the following: **10. Applicants.** The board shall admit to examination any applicant who pays a fee of twenty dollars and submits satisfactory evidence in writing, verified by oath if required, that he is more than twenty-one years of age, of good moral character, has completed satisfactorily two years' work in college, or has a preliminary education considered and accepted by the board as fully equivalent, has studied the treatment of human ailments not less than four school years in a medical school maintaining at that time a standard satisfactory to the board, and has graduated from such school and has completed an internship, approved by the board, of not less than twelve months. The provisions of this section may be suspended in whole or in part by order of the board on account of war or other threatened or existing national calamity.

2. Takes Effect. This act shall take effect January 1, 1938.
[Approved July 1, 1937.]

CHAPTER 151.

AN ACT RELATING TO THE FORESTRY AND RECREATION
COMMISSION.

SECTION

1. State forester.

2. Approval by governor and council required.

3. Gifts for state forests.

4. Privileges and concessions on forest lands.

5. Recording contracts.

SECTION

6. Development of recreational areas.

7. Limitation.

8. Forest improvement and recreational fund.

9. Disposition of state moneys.

10. Takes effect.

*Be it enacted by the Senate and House of Representatives in
General Court convened:*

1. State Forester. Amend section 4 of chapter 191 of the Public Laws by striking out said section and inserting in place

thereof the following: **4. Duties; Assistants.** The state forester shall, with the approval of the governor and council and under the supervision of the commission, execute all matters pertaining to forestry within the jurisdiction of the state, and, within the limits of the appropriation, may hire such field and office assistants, including a chief clerk at an annual salary not exceeding eighteen hundred dollars, as in the judgment of the commission are necessary for the proper execution of his duties, and, upon terms approved by the commission, may enter into co-operation with departments of the federal government for the promotion of forestry work within the state.

2. Approval of Governor and Council. Amend section 4-a of chapter 191 of the Public Laws as inserted by section 5, chapter 143, of the Laws of 1933, by striking out said section and inserting in place thereof the following: **4-a. Duties of State Forester.** The state forester shall, with the approval of the governor and council and under the supervision of the commission, execute all matters pertaining to the use of state forests and reservations including reservations for public recreational and park purposes.

3. State Forests. Amend section 5 of chapter 192 of the Public Laws, as amended by chapter 14 of the Laws of 1931, by striking out said section and inserting in place thereof the following: **5. Gifts.** With the approval of the governor and council, the commission is empowered to receive, in the name of the state, land by gift, escheat or otherwise for the purpose of a state forest or reservation, in such manner that no cost of purchase shall accrue against the state, and may arrange for the registration of necessary papers, map and survey the land, protect it from fire, plant, cut and otherwise improve the forests within the limits of the appropriation.

4. Forest and Recreational Lands. Amend section 6-a of chapter 192 of the Public Laws, as inserted by chapter 74 of the Laws of 1929 and as amended by chapter 131 of the Laws of 1935, by striking out said section and inserting in place thereof the following: **6-a. Privileges and Concessions.** On terms approved by the commission and the governor and council, the state forester may make contracts for the leasing of privileges and concessions on state forests and reservations, for periods not exceeding five years.

5. Contracts. Amend section 6-b of chapter 192 of the Public Laws, as inserted by chapter 131 of the Laws of 1935,

by inserting after the word "contracts" in the first line the words, extending for a period of more than one year or for an annual consideration of more than one hundred dollars, so that said section as amended shall read as follows: **6-b. Recording.** All such contracts, extending for a period of more than one year or for an annual consideration of more than one hundred dollars, shall be recorded in the registry of deeds in the county, or counties, where the lands to which such contracts relate are situated.

6. Development of Recreational Areas. Amend chapter 192 of the Public Laws by adding after section 6-b the following section: **6-c. Fees, Development of Recreational Areas.** With the approval of the commission and the governor and council, the state forester may (1) furnish accommodations and render services to the public on state forests and reservations, (2) charge reasonable fees for such services and accommodations, (3) develop suitable state forests and reservations for recreational purposes. All revenue received from fees authorized hereunder shall be paid into the forest improvement and recreational fund.

7. Limitation. Further amend chapter 192 of the Public Laws by adding after section 6-c the following new section: **6-d. Limitation.** The authority to furnish accommodations to the public on state forests and reservations, as provided by section 6-c, shall not be construed as authorizing the state forester to furnish sleeping accommodations to the transient public either in overnight cabins or in buildings owned by the state, provided that this limitation shall not affect the leasing of buildings or cabins owned by the state at the time of the passage of this act where the accommodations are furnished by the lessee.

8. Forest Improvement and Recreational Fund. Amend section 7 of chapter 192 of the Public Laws, as amended by section 1, chapter 130 of the Laws of 1927, by striking out said section and inserting in place thereof the following: **7. Created.** All revenue derived from fees for services and accommodations on, and rentals and the sale of any products from, state forest or reservations and federal lands placed under the jurisdiction of the forestry and recreation commission shall, except as otherwise provided, be paid into the state treasury. All of such revenue, except that received from the sale of nursery stock from the state forest nursery, shall be kept

by the state treasurer in a separate account as a continuous fund to be known as the forest improvement and recreational fund from which payments may be made upon recommendation of the state forester, with the advice and consent of the governor and council, for the purchase and improvement of state forests and reservations and buildings thereon and for administration and improvement of such federal lands as may be placed under the jurisdiction of the commission. At the close of each fiscal year the unexpended balance of said money shall be carried forward and be made available for use in the subsequent year for said purposes.

9. **State Moneys.** Amend section 11 of chapter 15 of the Public Laws, as amended by section 2, chapter 130, Laws of 1927, section 2, chapter 140, Laws of 1935, and section 21, chapter 134, Laws of 1937, by striking out said section and inserting in place thereof the following: **11. Application of Receipts.** Moneys received by the state treasurer, as provided in section 10, shall be available for general revenue of the state with the following exceptions: Moneys received by the fish and game department, which shall be credited to the fish and game fund; fees from the motor vehicle department, which, after deducting the amount allowed by the legislature for maintaining said department and one hundred and fifty thousand dollars annually for maintaining in part the department of state police, shall be credited to the highway department for maintenance of highways; fines and costs from the department of state police which shall be credited to the highway department for maintenance of highways; revenues from fees, rentals and the sale of products from lands under the jurisdiction of the forestry and recreation commission which shall be credited as provided for in chapter 192 of the Public Laws; and the fees collected by the public service commission of railroads, public utilities and owners of dams for money paid out by the commission to experts and assistants not in its regular employ, which fees shall be appropriated to reimburse the state for money so paid out. The full amount allowed for the maintenance of each institution and department shall be appropriated by each legislature for the biennial period next following, and the money derived from the sale of farm and minor industrial products of institutions shall be credited to the appropriation for the institution from which derived.

10. Takes Effect. This act shall take effect upon its passage.

[Approved July 7, 1937.]

CHAPTER 152.

AN ACT RELATING TO NEGLECTED AND DELINQUENT CHILDREN.

SECTION

1. New chapter.
 1. Age.
 2. Definitions.
 3. Petition.
 4. Notice.
 5. Contempt.
 6. Warrant.
 7. Custody.
 8. No committal to jail.
 9. Hearing.
 10. Disposition of neglected children.
 11. Maintenance.
 12. Guardianship; adoption.
 13. Disposition of delinquents; probation; institutional care.

SECTION

14. Orders for physical and mental treatment.
15. Feeble-minded or insane.
16. Religious preference.
17. Court sessions.
18. Transfers to superior court.
19. Records.
20. Contribution to delinquency.
21. Appeals.
22. Penalty.
23. Interpretation; evidence.
24. Publication.
25. Jurisdiction.
26. Authority limited.
27. Severability.
2. Takes effect.

Be it enacted by the Senate and House of Representatives in General Court convened:

1. Amendment. Chapter 110 of the Public Laws is hereby amended by striking out the entire chapter and inserting in place thereof the following:

CHAPTER 110

NEGLECTED AND DELINQUENT CHILDREN

1. Age. This chapter shall apply only to those under the age of eighteen years, except that juveniles over whom the court has acquired jurisdiction shall continue under its jurisdiction until they are twenty-one years of age, unless they are previously discharged by the court, or jurisdiction over them released to the superior court.

2. Definitions. For the purpose of this chapter the following words shall mean:

I. "Neglected child," any child who is abandoned by his parent, guardian or custodian, or has not proper parental care or guardianship, or who habitually begs or receives alms, or

who is found in any disreputable place or who associates with vicious or disreputable persons, or whose home, by reason of neglect, cruelty or depravity on the part of his parents, guardians or other persons in whose care he may be, is an unfit place for such child, or whose parent, guardian or custodian neglects or fails to provide proper subsistence, education, medical or surgical care or other care necessary for his health, morals or well-being, or who engages in such an occupation or is in such a situation or surroundings as are or may prove injurious to his physical, mental or moral well-being.

II. "Delinquent child," any child who violates any law of this state or any city or town ordinance, or who is wayward, disobedient or uncontrolled by his parent, guardian or custodian, or who is habitually truant from school or home, or so depicts himself as to injure or endanger the health or morals of himself or others.

III. "Child or juvenile," any boy or girl under the age of eighteen years.

IV. "Court," the municipal court, unless otherwise indicated.

3. Petition. Any reputable person having information of a child who appears to be either neglected or delinquent may file with a judge or clerk of any municipal court in the county in which the child is found or resides a petition in writing setting forth the facts verified by affidavit. On motion of any probation officer alleging that either justice or convenience requires the transfer of the petition to some other municipal court such petition may be transferred to such court if justice or convenience requires.

4. Notice. Upon the filing of the petition a notice shall be immediately issued by the judge or the clerk, to be served personally or left at the usual place of abode of the person having custody or control of the child, or with whom the child may be, requiring that person to appear with the child at a place and time stated in the notice, which time shall not be less than twenty-four hours after service. If the person so notified is not the parent or guardian of the child, then the parent or guardian shall be notified, provided they and their residence are known, or if there is neither parent nor guardian, or their residence is not known then some relative, if there be one and his residence is known, and in any case the judge may appoint some suitable person to act in behalf of the child.

5. Contempt. If the person summoned, as herein provided, shall fail without reasonable cause to appear with the child and abide the order of the court, he may be proceeded against as in case of contempt of court.

6. Warrant. If a summons cannot be served or the party served fails to obey the same, and in any case where it appears to the court that such summons or notice will be ineffectual, a warrant may be issued for the child's appearance against anyone having custody or the possession of the child. Nothing in this act shall be construed as forbidding any police officer or probation officer from immediately taking into custody any child who is found violating any law or ordinance, or who is reasonably believed to be a fugitive from his parents or from justice, or whose surroundings are such as to endanger his health, morals or welfare, unless immediate action is taken. In such cases the officer shall report the facts forthwith to the court.

7. Custody. Pending final disposition of the case, the child may be retained in the custody of the person having the child in charge, or in the custody of the probation officer, or may be kept in some suitable place at the expense of the town, county or state, as may be ordered by the court.

8. No Committal to Jail. No child under eighteen years of age shall be committed to a jail or police station, or other place where such child can come in contact with any adult under arrest or charged with or serving sentence under conviction of crime; provided that a child whose habits or conduct are deemed such as to constitute a menace to other children, may by order of the court be restrained in a jail or other place of detention for adults, but in a separate room or ward.

9. Hearing. On the return of the summons, notice or other process or as soon thereafter as may be, the court shall proceed to hear the case in an informal manner, but no final disposition shall be made until an investigation and report in writing has been made to the court of the home conditions, school record, and the mental, physical and social history of the child, and the circumstances of the alleged delinquency or neglect. When ordered by the court or deemed necessary by the probation officer making the investigation, such investigation shall include a physical and mental examination of the child, the expense thereof to be borne by the town in which said child resides, unless furnished by the state.

10. Disposition of Neglected Children. When any child is found to be neglected, the court may make an order committing the child to the care of the board of public welfare, or may continue the case from time to time and allow the child to remain in his own home or in a suitable family or institutional home under the supervision of a probation officer and subject to be returned to the court for further disposition.

11. Maintenance. Unless otherwise ordered by the court, the expense for the maintenance and care of any such child shall be borne by the town in which the child resides, and the town shall have a right of action over for such expense against whoever is legally chargeable for the child's support.

12. Guardianship; Adoption. In any case where the court shall award a child to the care of any association or individual, the child shall, unless otherwise ordered, become a ward of the association or individual to whose care he is committed. Such association or individual shall have authority to place such child in a suitable family or institutional home and shall be made party to any proceeding for his adoption or guardianship.

13. Disposition of Delinquents; Probation; Institutional Care. When a child is found to be delinquent, the court may commit the child to the industrial school or continue the case with such orders as to care, custody, and probation as justice and the welfare of the child require. After the delinquent has passed the age of eighteen years, the court may, under its continuing jurisdiction, commit him either to the industrial school, house of correction, jail, or state's prison, for all or any part of the term of his minority. A summary of the probation officer's investigation shall accompany each commitment. All records pertaining to cases of delinquency shall be kept at all times so that no one, except by court order, other than officers of the institution where the child is committed, duly accredited probation officers and others entrusted with the corrective treatment of said child, shall have access to the same. Any officer or employee of an institution who permits other than authorized persons to have access to such records, or any officer or employee or person entrusted with the use of the same for corrective purposes, or anyone else, who publishes or permits the publication of such records or parts of the same, except by court order, shall be in contempt of court.

14. Orders for Physical and Mental Treatment. If it is alleged in any complaint or appears at any time during the

progress of the case that a neglected or delinquent child is in need of physical or mental treatment, the failure to receive which is a contributing cause of his delinquency, due notice of that fact shall be given as provided in section 4 of this act, and if the court, upon hearing, finds that treatment is reasonably required, he shall order the parent, guardian or custodian of the child to provide it. If this order is not obeyed within a reasonable time, the court shall require such treatment to be provided at the expense of the town in which the child resides, and recovery of the expenses thereby incurred shall be had from the person or persons chargeable by law for the child's necessities.

15. Feeble-minded or Insane. If it is alleged in any complaint or appears at any time in the progress of the case that a neglected or delinquent child may be feeble-minded or insane, due notice of that fact shall be given as provided in section 4 of this act, and if the court, upon hearing, finds that the child is either insane or feeble-minded, the court may commit said child to the state hospital or to the Laconia State School, to be there detained and cared for according to the laws relating to said institutions, with the right of recovery against the person or persons chargeable by law for support.

16. Religious Preference. The court and officials in placing children shall as far as practicable place them in the care and custody of some individual holding the same religious belief as the parents of the said child, or with some association which is controlled by persons of like religious faith. No child under the supervision of any state institution shall be denied the free exercise of the religion of his parents, whether living or dead, nor the liberty of worshipping God according thereto.

17. Court Sessions. All juvenile cases shall be heard separate from the trial of criminal cases and such hearing shall be held wherever possible in rooms not used for such trials. Said proceedings shall be informal and not deemed to be of a criminal nature. No one shall attend such hearing, unless his presence is necessary either as parent, party or witness, or in the opinion of the court, in the interest of justice; provided, in those cases where the delinquent act complained of would constitute a felony if the act of an adult, the attorney-general and the solicitor of the county in which the offense took place may attend, and due notice thereof shall be given to the attorney-general or the county solicitor by the probation officer. County

commissioners, town and city officials charged with overseeing the support of the poor, in all cases in which the minor may become a public charge, may also attend such hearing.

18. Transfers to Superior Court. All cases before a municipal court in which the offense complained of constitutes a felony or would amount to a felony in the case of an adult, may, after investigation and consideration, before hearing, be certified to the superior court. Cases so certified may be disposed of by the superior court according to the laws of this state relating thereto without any limitations as to sentence or orders required by this act. All original papers in transferred cases shall remain in the court from which transferred and certified copies of the same filed with and constitute the records of the court to which transfer is made. Pending disposition by the superior court, a juvenile, whose case is thus transferred, may be committed to the custody of the probation officer or required to recognize with sufficient sureties, or in default thereof be committed to the industrial school to await disposition of the case in said superior court.

19. Records. The court records of proceedings with reference to juveniles in all courts of the state shall be kept in books and files separate from all other court records. The proceeding shall be entitled, "The state in the interest of. . . ." (naming the child or children). Such records shall be withheld from indiscriminate public inspection but shall be open to inspection by the parent, guardian or other authorized representative of the person concerned and, in the discretion of the court, by other persons having a legitimate interest.

20. Contribution to Delinquency; Bond for Future Care. Any parent or guardian or person having the custody or control of a child found to be delinquent, or anyone else, who shall knowingly or wilfully encourage, aid, cause or abet, or connive at, or has knowingly or wilfully done any act or acts, to produce, promote or contribute to the delinquency of such child, may be punished by a fine of not more than five hundred dollars or by imprisonment for not more than one year, or both. The court may release such person on probation, subject to such orders as it may make concerning future conduct tending to produce or contribute to such delinquency, or it may suspend sentence, or before trial, with his consent, it may allow him to enter into a recognizance, in such penal sum as the court may

fix, conditioned for the promotion of the future welfare of the child, and the said case may then be placed on file.

21. Appeals. An appeal may be taken to the superior court in manner provided for appeals from municipal courts, but an appeal shall not suspend the order of the court unless the court shall so order.

22. Penalty. Any officer who neglects to perform any of the duties imposed upon him by this chapter shall be fined not less than twenty-five dollars nor more than two hundred dollars.

23. Interpretation; Evidence. This chapter shall be liberally construed to the end that its purpose may be carried out, to wit: that the care, custody and disposition of the child shall approximate as nearly as may be that which should be given by his parents, and that, in cases where it can properly be done, the child shall be placed in an approved family home and become a member of the family, by legal adoption or otherwise. In any investigation or hearing, the court shall not be bound by the technical rules of evidence. No child shall be deemed a criminal by reason of an adjudication hereunder and such adjudication shall not be deemed a conviction.

24. Publication. It shall be unlawful for any newspaper to publish the name or address, or any other particular information serving to identify any juvenile delinquent arrested, without the express permission of the court, and it shall be unlawful for any newspaper to publish any of the proceedings of any juvenile court.

25. Jurisdiction. The municipal courts in each county, shall have exclusive original jurisdiction of all cases coming within the terms of this act.

26. Authority Limited. This act shall not be construed as authorizing any public official, agent or representative in carrying out any of the provisions of this act to take charge of any child over the objection of either of the parents of such child or of the person standing *in loco parentis* to such child, except pursuant to a court order.

27. Severability. If any provision of this act or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are declared to be severable.

2. Takes Effect. This act shall take effect October 1, 1937, and all acts or parts of acts inconsistent herewith are hereby repealed.

[Approved July 7, 1937.]

CHAPTER 153.

AN ACT IN REGARD TO HIGHWAY RECONSTRUCTION WHICH MAY
BE NECESSITATED BY THE CONSTRUCTION OF A DAM
ACROSS THE PEMIGEWASSET RIVER BETWEEN
FRANKLIN AND HILL.

SECTION

1. Discontinuance of highways.
2. Relocation of Route 3-A.

SECTION

3. Takes effect.

*Be it enacted by the Senate and House of Representatives in
General Court convened:*

1. Discontinuance of Highways. No existing highways which may be relocated and reconstructed because of the construction of a dam across the Pemigewasset river between Franklin and Hill shall be discontinued until the relocated highways are open for public use.

2. Relocation of Route 3-A. The highway now known as route 3-A from Franklin to Bristol when relocated shall continue along the west side of the river as near as practicable to the present existing road, taking into consideration proper alignment and grade.

3. Takes Effect. This act shall take effect upon its passage.

[Approved July 7, 1937.]

CHAPTER 154.

AN ACT RELATING TO ALIMONY.

SECTION

1. Alimony; period of payment.

SECTION

2. Modification of existing orders; takes effect.

*Be it enacted by the Senate and House of Representatives in
General Court convened:*

1. Alimony; Period of Payment. Amend section 16 of chapter 287 of the Public Laws by striking out said section and

inserting in place thereof the following: **16. Alimony.** Upon a decree of nullity or divorce, the court may restore to the wife all or any part of her estate, and may assign to her such part of the estate of her husband, or order him to pay such sum of money, as may be deemed just, provided that in cases in which no children are involved, or in which the children have reached the age of majority, said order shall be effective for not more than three years from the date thereof, but such order may be renewed, modified or extended if justice requires for periods of not more than three years at a time; and may compel the husband to disclose, under oath, the situation of his property; and before or after the decree, may make such orders and use such process as may be necessary.

2. Modification of Existing Orders; Takes Effect. Any order for the payment of alimony or separate maintenance now in force may be changed or modified to comply with the provisions of this act upon petition of either party, and this act shall take effect upon its passage.

[Approved July 7, 1937.]

CHAPTER 155.

AN ACT TO REGULATE THE KEEPING OF LIVE WILD ANIMALS OR WILD BIRDS.

SECTION

1. Prohibition.
2. Exceptions.
3. Permits to keep live wild animals.

SECTION

4. Penalty.
5. Enforcement.
6. Takes effect.

Be it enacted by the Senate and House of Representatives in General Court convened:

1. Prohibition. No person shall cage, have in possession or exhibit any live wild animal or wild bird at any time, except as hereinafter provided, nor shall a person traffic, sell, or expose for sale, at any time or at any place any live wild animal or wild bird.

2. Exceptions. The provisions of this act shall not prohibit a person who holds a license to propagate game animals or fur-bearing animals under the provisions of sections 19 to 26, inclusive, of chapter 202 of the Public Laws, as inserted by section 6, chapter 124, Laws of 1935, from caging, keeping or selling such live wild animals as he is permitted to do under the

provisions of his license or the rules and regulations of the director of fish and game relative thereto.

3. Permit to Keep Live Wild Animals. The director of fish and game is hereby authorized in his discretion to issue a permit to any person to have in possession a live wild animal or wild bird. Such permit shall be issued for such period and under such conditions as the director may determine. The director is hereby authorized to make such rules and regulations relative to the keeping of live wild animals or wild birds under the provisions of this section as he may deem necessary. The provisions of this act shall not apply to a person who holds a permit from the director as provided herein.

4. Penalty. Whoever violates any of the provisions of this act, or whoever violates any rule or regulation relative to keeping live wild animals or wild birds promulgated by the director in accordance with the provisions of section 3 hereof, shall be fined twenty-five dollars for the first offense, fifty dollars for the second offense and an amount not to exceed five hundred dollars for each subsequent offense.

5. Enforcement. The director of fish and game, either by himself or his agents, shall have authority to enforce the provisions of this act and for that purpose may without expense to the state designate as his agent any officer or agent of any incorporated society for the prevention of cruelty to animals.

6. Takes Effect. This act shall take effect thirty days after its passage.

[Approved July 7, 1937.]

CHAPTER 156.

AN ACT RELATIVE TO LICENSE FEES FOR TAKING FISH AND GAME.

SECTION

- 1. Fishing and hunting licenses.
- 2. Licenses for fur-buyers.

SECTION

- 3. Takes effect.

Be it enacted by the Senate and House of Representatives in General Court convened:

1. Fishing and Hunting Licenses. Amend section 5, chapter 203 of the Public Laws, as inserted by section 7, chapter 124, Laws of 1935, by striking out the whole of said section and inserting in place thereof the following: **5. Application; Fees.** The applicant shall fill out and subscribe to a blank to

be furnished by the director to said agent, and pay him the following fees, in addition to his fee of fifteen cents, as provided in section 6:

I. If the applicant is a resident of this state and wishes to hunt and fish, two dollars and thirty-five cents, and the agent shall thereupon issue a resident hunting and fishing license, which shall entitle the licensee to hunt, shoot, kill or take, except by the use of traps, and to transport game birds, game animals and fish, under the restrictions of this title.

II. If the applicant is a resident of this state and wishes to take fur-bearing animals by the use of traps, five dollars, and the department shall thereupon issue a trapping license, which shall entitle the licensee to take fur-bearing animals by the use of traps and sell and transport them under the restrictions of this title.

III. If the applicant is a non-resident and wishes to hunt and fish, fifteen dollars, and said agent shall thereupon issue a non-resident hunting and fishing license conferring the privileges enumerated in paragraph I.

IV. If the applicant is a non-resident and wishes to take fresh water fish only, three dollars and eighty-five cents, and the agent shall thereupon issue a non-resident fishing license which shall entitle the licensee to kill, take and transport fresh water fish under the restrictions of this title, provided that if said applicant wishes to take said fish for three consecutive days, one dollar and thirty-five cents, and the agent shall thereupon issue a non-resident fishing license for said time only, under the restrictions of this title.

V. If the applicant is a non-resident and wishes to take fur-bearing animals by the use of traps, fifty dollars, and the agent shall thereupon issue a non-resident trapping license, which shall entitle the licensee to take fur-bearing animals by the use of traps and sell and transport them, under the restrictions of this title.

2. **Licenses for Fur-Buyers.** Amend section 13 of chapter 203 as inserted by section 7, chapter 124, Laws of 1935, by striking out the whole of said section and inserting in place thereof the following: **13. Applications; Fees.** The applicant shall fill out and subscribe to a blank to be furnished by the director, and pay therefor the following fees:

I. If the applicant is a resident of this state, five dollars, and the director shall thereupon issue a resident fur-buyer's

license which shall entitle the licensee to buy and sell, in one county in the state, the furs and skins of fur-bearing animals lawfully taken, and to sell and transport the same, under the restrictions of this title. The director may grant such licenses for more than one county upon the payment of an additional fee of five dollars for each county specified. The director may grant such licenses for the entire state upon the payment of a fee of thirty-five dollars.

II. If the applicant is a non-resident of this state, seventy-five dollars, and the director shall thereupon issue a non-resident fur-buyer's license which shall entitle the licensee to buy throughout the state the furs and skins of fur-bearing animals lawfully taken, and to sell and transport the same, under the restrictions of this title.

3. **Takes Effect.** This act shall take effect January 1, 1938.
[Approved July 7, 1937.]

CHAPTER 157.

AN ACT PROVIDING FOR TRIAL BY JURY IN CERTAIN CASES.

SECTION

1. Issues framed for jury on request of party.

SECTION

2. Takes effect.

Be it enacted by the Senate and House of Representatives in General Court convened:

1. **Issues Framed for Jury on Request of Party.** Amend section 11 of chapter 311 of the Public Laws, by adding thereto the following: In any probate appeal involving the validity of an instrument purporting to be a will in which material facts are in dispute, the court shall, upon request of either party, frame issues and ascertain the facts by the verdict of a jury, so that said section as amended shall read: **11. Issue for Jury.** On an appeal, if any fact material to the cause shall be disputed, the court may direct an issue proper to try such fact to be framed, and ascertain the same by the verdict of a jury. In any probate appeal involving the validity of an instrument purporting to be a will in which material facts are in dispute, the court shall, upon request of either party, frame issues and ascertain the facts by the verdict of a jury.

2. **Takes Effect.** This act shall take effect upon its passage.

[Approved July 7, 1937.]

CHAPTER 158.

AN ACT RELATING TO MUNICIPAL WATER-WORKS.

SECTION

1. Repeal.
2. Municipal water-works, definitions.
3. Municipalities may acquire.
4. Acquisition.

SECTION

5. Powers of municipality.
6. Management and operation.
7. Constitutionality.
8. Takes effect.

Be it enacted by the Senate and House of Representatives in General Court convened:

1. Repeal. Amend chapter 43 of the Public Laws, as amended by chapter 71 of the Laws of 1927, and chapter 87 of the Laws of 1931, and chapter 49 of the Laws of 1935, by repealing said chapter.

2. Municipal Water-Works. Amend section 1 of chapter 44 of the Public Laws, as amended by section 2 of chapter 153 of the Laws of 1935, by inserting after the word "electricity" in the seventh line thereof the following words, and/or water, so that said section as amended shall read as follows:

1. Definitions. In this chapter, unless the context otherwise requires, the following words shall have the following meanings:

"Commission," the Public Service Commission of New Hampshire.

"Utility," any public utility engaged in the manufacture, and/or distribution, and/or sale of gas and/or electricity and/or water in the state of New Hampshire.

"Municipality," any city, town or village district within the state of New Hampshire.

3. Amendment. Amend section 2 of chapter 44 of the Public Laws, as amended by section 2 of chapter 153 of the Laws of 1935, by inserting after the word "electricity" in the fifth line thereof the words and/or water, and further amend said section by inserting after the word "electricity" in the fifteenth line thereof the word, water, so that said section as amended shall read as follows:

2. Municipalities May Acquire. Any city, town or village district may take, purchase, lease or otherwise acquire and maintain and operate in accordance with the provisions of this chapter, one or more suitable plants for the manufacture and/or distribution of gas and/or electricity and/or water for municipal use and for the use of its inhabitants and others, and for such other purposes

as may be permitted, authorized or directed by the commission; and for these purposes may purchase and hold in fee simple or otherwise any real or personal estate and any rights therein, including water rights; and may do all other things necessary for carrying into effect the purposes of this chapter; and may excavate and dig conduits and ditches in any highway or other land or place, and erect poles, place wires, and lay pipes for the transmission and distribution of electricity, water and gas, in such places as may be deemed necessary and proper; and may change, enlarge and extend the same from time to time when the municipality shall deem necessary, and maintain the same, having due regard for the safety and welfare of its citizens and security of the public travel.

4. Acquisition. Amend section 5 of chapter 44 of the Public Laws, as amended by section 2 of chapter 153 of the Laws of 1935, by inserting after the word "gas" in the sixth line thereof the word, water, so that said section as amended shall read as follows: **5. Demand.** Within thirty days after the passage of the confirming vote provided for in section 3 or the vote provided in section 4 hereof, the mayor of the city, the selectmen of the town, or the commissioners of the district shall notify in writing any utility engaged, at the time of said vote, in generating or distributing gas, water or electricity for sale in said municipality, of said vote, and ask said utility whether it elects to sell, in the manner hereinafter provided, that portion of its plant and property located within said municipality which is suitable for and used in connection with the business of said utility, and that portion, if any, lying without said municipality which the public interest may require the said municipality to purchase.

5. Powers of Municipality. Amend section 14 of chapter 44 of the Public Laws, as amended by section 2 of chapter 153 of the Laws of 1935 by inserting after the word "electricity" in the third line thereof the following word, water, so that said section as amended shall read as follows: **14. Supply Contracts.** Any such municipality may contract with individuals, corporations and other municipalities and the citizens thereof for supplying them with electricity, water or gas for any of the purposes herein named or contemplated, and make such contracts, and establish such regulations and such reasonable tolls for the use thereof, as may from time to time be authorized by the commission.

6. Management and Operation; Liens. Amend section 15 of chapter 44 of the Public Laws, as amended by section 2 of chapter 153 of the Laws of 1935, by striking out the whole thereof and inserting in place thereof the following new sections: **15. Commissioners.** For the more convenient management of any such gas, electric, or water-works system, any such municipality may vest the construction, management, control and direction of the same in a board of commissioners to consist of three or more citizens of such city, town or district, said commissioners to have such powers and duties relating to the construction, management, control and direction thereof as the city, town or district may prescribe. Their term of office shall be for three years and until their successors are elected and qualified. The first board of commissioners may be chosen for terms of one, two and three years, respectively, by the legal voters of the city, town or district at the same meeting or election at which the provisions of this chapter are accepted, or at any special meeting or election thereafter called for that purpose, and their successors shall be elected at each annual meeting or election thereafter in manner or form as the city, town or district may determine, provided that the term of service of the commissioners first elected shall be designated at the time of their election.

16. Appointment. The commissioners may be appointed by the mayor and board of aldermen or city council, by the selectmen of the town, or by the commissioners of the district if the city, town or district fails to elect or shall vote to authorize the mayor and board of aldermen or city council, selectmen or commissioners to appoint.

17. Compensation; Organization. The compensation of the commissioners shall be fixed by the city, town or district. They shall be sworn to the faithful discharge of their duties. They shall annually organize by choosing one of their number as chairman of their board. They shall appoint a clerk and a superintendent of the works and such other officers as they may deem necessary, and shall thereupon furnish a certificate of such organization to the city, town or district clerk who shall record the same in his records. The commissioners shall fix the compensation of all officers and agents appointed by them, and all officers and agents shall be sworn to the faithful discharge of their duties.

18. Vacancy. Whenever a vacancy shall occur in said

board from any cause the remaining members shall fill such vacancy temporarily by appointing a citizen of said city, town or district in writing, which appointment shall be filed with the city, town or district clerk and recorded by him in his records. The person so appointed shall hold office until the next city election or annual town or district meeting, when the city, town or district shall elect a commissioner for the unexpired term.

19. Reports. The commissioners shall annually make a report to the city, town or district, at the time other city, town or district officers report, of the condition of the plant financially and otherwise, showing the funds belonging to their department and the expenses and income thereof, with such other facts and information as the inhabitants should have, which report shall be published in the annual report of the city, town or district.

20. Taking Property. Any municipality or water company supplying water to the public for domestic use shall have the power to take by the exercise of the right of eminent domain any property needed to protect the purity of the water so supplied, upon petition to the superior court, and proceedings thereon as in case of a petition for the laying out of a highway.

21. Liens for Rates. All charges as gas, water or electric rates for gas, water or electricity furnished to patrons in any city, town or precinct operating municipally owned gas, water or electric works, shall become a lien upon any real estate where such gas, water or electricity is furnished, and said lien shall continue for one year from the last item charged in said gas, water or electric rates; and said lien may be enforced by a suit in behalf of said city, town or precinct, ordered by the commissioners or other board in charge of the plant against the owner or owners of such real estate. The record in the office of the gas, water or electric department of the gas, water or electric rates, and the charges for gas, water or electricity furnished as aforesaid, shall be sufficient notice to maintain suit upon such lien against subsequent purchasers or attaching creditors of said real estate.

22. Effect on City Charters. Nothing contained in this chapter shall affect, alter or change the provisions of any city charter with respect to the management, control and direction of gas, water or electric works.

7. Constitutionality. If any provision of this act or the application thereof to any person or circumstances is held invalid the remainder of the act and the application of such provisions to other persons or circumstances shall not be affected thereby.

8. Takes Effect. This act shall take effect upon its passage.

[Approved July 13, 1937.]

CHAPTER 159.

AN ACT ENLARGING THE SCOPE OF THE EMPLOYERS' LIABILITY AND WORKMEN'S COMPENSATION LAW.

SECTION

1. Employers' liability.

SECTION

2. Takes effect.

Be it enacted by the Senate and House of Representatives in General Court convened:

1. Employers' Liability. Amend section 1 of chapter 178 of the Public Laws by striking out the word "only" and the words "in manual or mechanical labor;" and further amend by striking out paragraph II and by substituting therefor the following: **II. Five or More Persons.** Any industry, enterprise or business in which five or more persons are employed by a common employer, excepting farm and domestic laborers and casual employees, not employed in the regular course of the industry, enterprise or business; and further amend said section by adding at the end thereof the following: This chapter shall apply to workmen engaged in any of the foregoing employments within this state irrespective of the place where the contract of hiring was made, renewed or extended, and shall not apply to workmen outside of the state; so that as amended said section shall read as follows: **1. Employments Included.** This chapter shall apply to workmen engaged in the employments described in this section, which, from the nature, conditions or means of prosecution of such work, are dangerous to the life and limb of workmen engaged therein, because in them the risks of employment and the danger of injury caused by fellow servants are great and difficult to avoid:

1. Railroads. The operation on steam or electric railroads of locomotives, engines, trains or cars, or the construction,

alteration, maintenance or repair of railroad tracks or road beds over which such rolling stock is to be operated.

II. Five or More Persons. Any industry, enterprise or business in which five or more persons are employed by a common employer, excepting farm and domestic laborers and casual employees, not employed in the regular course of the industry, enterprise or business.

III. Electricity. The construction, operation, alteration or repair of wires or lines of wires, cables, switch boards or apparatus, charged with electric currents.

IV. Explosives. All work necessitating dangerous proximity to gunpowder, blasting powder, dynamite or any other explosives, where the same are used as instrumentalities of the industry, or to any steam boiler owned or operated by the employer; provided, that injury is occasioned by the explosion of any such boiler or explosive.

V. Quarries, etc. Work in or about any quarry, mine or foundry.

This chapter shall apply to workmen engaged in any of the foregoing employments within this state irrespective of the place where the contract of hiring was made, renewed or extended, and shall not apply to workmen outside of the state.

2. **Takes Effect.** This act shall take effect July 15, 1937.

[Approved July 13, 1937.]

CHAPTER 160.

AN ACT RELATIVE TO CONSTITUTIONAL GOVERNMENT DAY.

SECTION

1. Constitutional government day.

SECTION

2. Takes effect.

WHEREAS the constitution of the United States was declared in effect the first Wednesday in March, 1789; and

WHEREAS appropriate and just recognition of that debt of gratitude Americans and others owe to the constitution would constitute an educational process of the first importance for young people and others,

Be it enacted by the Senate and House of Representatives in General Court convened:

1. **Constitutional Government Day.** The governor is hereby authorized and directed to issue annually a proclamation

declaring that the first Wednesday in March be known as Constitutional Government day and directing that appropriate ceremonies be held on said day in commemoration of the beginning of government under the constitution of the United States.

2. Takes Effect. This act shall take effect upon its passage.

[Approved July 13, 1937.]

CHAPTER 161.

AN ACT RELATING TO PROOF OF FINANCIAL RESPONSIBILITY BY OWNERS AND OPERATORS OF MOTOR VEHICLES.

SECTION

1. Definitions.
2. Commissioner to administer act; court review.
3. Proof required upon conviction for motor vehicle law violations.
4. Definition of term conviction.
5. Report; penalty.
6. Security and proof required following accident.
7. Form of security.
8. Application of security.
9. Limitation.
10. Suspension, duration.
11. Payments sufficient to satisfy requirements.
12. Suspension waived upon payment of judgment in installments.

SECTION

13. Application for payment in installments.
14. Installment in default.
15. Action against non-resident.
16. Policy, form.
17. Required provisions.
18. Liability bonds.
19. Prohibition.
20. Amount of proof required.
21. Methods of giving proof.
22. Money or securities deposited as proof.
23. Limitation.
24. May substitute other proof.
25. Operating without giving proof.
26. Application of act.
27. Limitation.
28. Repeal.
29. Takes effect.

Be it enacted by the Senate and House of Representatives in General Court convened:

1. Definitions. The following words, as used in this act, shall have the following meanings:

I. "Commissioner," the commissioner of motor vehicles for the state of New Hampshire.

II. "Person," every natural person, firm, copartnership, association or corporation.

III. "Owner," a person who holds the legal title to a motor vehicle, trailer or semi-trailer, or in the event a motor vehicle, trailer or semi-trailer is the subject of an agreement for the conditional sale or lease thereof with the right of purchase upon performance of the conditions stated in the agreement and

with an immediate right of possession vested in the conditional vendee or lessee, or in the event a mortgagor of a motor vehicle, trailer or semi-trailer is entitled to possession, then such conditional vendee or lessee or mortgagor shall be deemed the owner for the purpose of this act.

IV. "State," any state of the United States, the District of Columbia or any province of the Dominion of Canada.

V. "Judgment," any judgment which shall have become final by expiration without appeal of the time within which appeal might have been perfected, or by final affirmance on appeal, rendered by a court of competent jurisdiction of any state, or of the United States.

VI. "Certificate," the certificate of an insurance company authorized to transact the business specified in chapter 279 of the Public Laws that it has issued to or for the benefit of the defendant a motor vehicle liability policy covering the motor vehicle, trailer or semi-trailer involved in the accident as a result of which the action at law to recover damages referred to in section 6 was commenced as respects such accident; or the certificate of a surety company authorized to transact business under chapter 282 of the Public Laws that it has issued to or for the benefit of the defendant a motor vehicle liability bond covering the motor vehicle, trailer or semi-trailer involved in the accident as a result of which the action at law to recover damages referred to in section 6 was commenced as respects such accident.

VII. "Motor Vehicle Liability Policy," a policy of liability insurance which provides indemnity for or protection to the insured and any person responsible to him for the operation of the insured's motor vehicle, trailer or semi-trailer who has obtained possession or control thereof with his express or implied consent, against loss by reason of the liability to pay damages to others for damage to property, except property of others in charge of the insured or his employees, or bodily injuries, including death at any time resulting therefrom, accidentally sustained during the term of said policy by any person other than the insured employees of the insured actually operating the motor vehicle or of such other person responsible as aforesaid who are entitled to payments or benefits under the provisions of any workmen's compensation act, arising out of the ownership, operation, maintenance, control or use within the limits of the United States of America or the Dominion of

Canada of such motor vehicle, trailer or semi-trailer, to the amount or limit of at least five thousand dollars on account of injury to or death of any one person, and, subject to such limits as respects injury to or death of one person, of at least ten thousand dollars on account of any one accident resulting in injury to or death of more than one person, and of at least one thousand dollars for damage to property of others, as herein provided, or a binder pending the issue of such a policy, or an indorsement to an existing policy, as defined in sections 16, 17 and 19.

VIII. "Motor Vehicle Liability Bond," a bond conforming to the provisions of section 18 and conditioned that the obligor shall within thirty days after the rendition thereof satisfy all judgments rendered against him or against any person responsible to him for the operation of the obligor's motor vehicle, trailer or semi-trailer who has obtained possession or control thereof with his express or implied consent, in actions to recover damages for damage to property of others or bodily injuries, including death at any time resulting therefrom, accidentally sustained during the term of said bond by any person other than the insured employees of the obligor actually operating the motor vehicle or of such other person responsible as aforesaid who are entitled to payments or benefits under the provisions of any workmen's compensation act, arising out of the ownership, operation, maintenance, control, or use within the limits of the United States of America or the Dominion of Canada of such motor vehicle, trailer or semi-trailer, to the amount or limit of at least one thousand dollars on account of damage to property and at least five thousand dollars, on account of injury to or death of any one person, and, subject to such limits as respects injury to or death of one person, at least ten thousand dollars on account of any one accident resulting in injury to or death of more than one person.

2. Commissioner to Administer Act; Court Review. The commissioner shall administer and enforce the provisions of this act and he is hereby authorized to adopt and enforce such regulations as may be necessary for its administration. Any person aggrieved by an order or act of the commissioner under the provisions of this act may, within ten days after notice thereof, file a petition for a review thereof in the superior court of the county in which one of the parties resides, and if both plaintiff and defendant are non-residents, then in the

county where the accident occurred; but the filing of such petition shall not suspend the order or act unless a stay thereof shall be allowed by a judge of said court pending final determination of the review. The court shall summarily hear the petition and may make any appropriate order or decree.

3. Proof Required Upon Conviction for Motor Vehicle Law Violations. Upon receipt of an abstract of the record in case of conviction of any person for a violation of such of the provisions of any state law relative to motor vehicles as the commissioner shall determine the commissioner may forthwith suspend the license of the person so convicted and the registration certificates and registration plates issued for any motor vehicle, trailer or semi-trailer registered in the name of such person unless and until such person gives and thereafter maintains for a period of three years proof of his financial responsibility. The commissioner shall take action as required in this section upon receiving proper evidence of any such conviction of any person in another state.

4. Definition of Term Conviction. For purposes of this act the term "conviction" shall include a forfeiture of bail or collateral deposited to secure a defendant's appearance in court, which forfeiture has not been vacated, upon a charge of violating any motor vehicle law.

5. Report; Penalty. Any person operating a motor vehicle trailer or semi-trailer which is in any manner involved in an accident resulting in damage to property in excess of twenty-five dollars shall forthwith report in writing to the commissioner in the same manner as required by law in case of an accident in which any person is injured or killed. Any person failing to report as required herein shall be punished in the same manner as one who fails to report in accordance with Public Laws, chapter 102, sections 17 and 18.

6. Security and Proof Required Following Accident. Upon receipt by him of the report of an accident which has resulted in bodily injury or death, or in damage to property in excess of twenty-five dollars, the commissioner shall forthwith suspend the license of any person operating, and the registration certificates and registration plates of any person owning, a motor vehicle, trailer or semi-trailer in any manner involved in such accident unless and until such operator or owner or both shall have previously furnished or immediately furnishes sufficient security to satisfy any judgment or judgments for damages

resulting from such accident as may be recovered against such owner or operator by or on behalf of the aggrieved person or his legal representative, and unless and until such owner or operator or both shall immediately give and thereafter maintain proof of financial responsibility in the future.

7. Form of Security. Such security, when ordered, shall be in such form and in such amount as the commissioner may require, but in no case in excess of the amount of proof required under this act. Proof of responsibility as prescribed in section 20 shall in all cases be deemed sufficient security hereunder.

8. Application of Security. Security furnished in compliance with the requirements hereof shall be applicable only to the payment of a judgment against the depositor for damages arising out of the accident in question in an action at law in a court of this state begun not later than one year after the date of such accident; and such deposit, or any balance thereof, shall be returned to the depositor or his personal representative whenever, after the expiration of such year, the commissioner shall be given reasonable evidence to believe that there is no such action pending and no such judgment unsatisfied.

9. Limitation. The provisions of section 6 shall not apply to the owner of a motor vehicle, trailer or semi-trailer operated by one having obtained possession or control thereof without his express or implied consent, nor shall it apply to the operator or owner of a motor vehicle, trailer or semi-trailer involved in an accident caused by a criminal act for which a person other than such operator or owner has been convicted.

10. Suspension, Duration. The suspension required in section 6 shall remain in effect, the motor vehicle, trailer or semi-trailer in any manner involved in such accident shall not be registered in the name of any person, and no other motor vehicle, trailer or semi-trailer shall be registered in the name of such person nor any new licenses issued to such person unless and until he has obtained a release or a judgment in his favor in an action at law to recover damages for damage to property or the death of or bodily injury to any person resulting from such accident or unless he shall have satisfied in the manner hereinafter provided any judgment rendered against him in such an action, and at all events gives and thereafter maintains proof of his financial responsibility. If the aggrieved or injured person or his legal representative

shall not have brought suit within one year from the date of the accident then the commissioner, upon receiving reasonable evidence of the fact, may, subject to the other requirements of the law, issue to such person a new license to operate and new registration certificates and registration plates provided he shall give and thereafter maintain proof of financial responsibility. A discharge in bankruptcy shall not relieve the judgment debtor from any of the requirements of this act.*

11. Payments Sufficient to Satisfy Requirements. Every judgment herein referred to shall for the purpose of this act be deemed satisfied:

I. When five thousand dollars has been credited upon any judgment or judgments rendered in excess of that amount because of bodily injury to or death of one person as the result of any one accident; or

II. When, subject to such limit of five thousand dollars because of bodily injury to or death of one person, the sum of ten thousand dollars has been credited upon any judgment or judgments rendered in excess of that amount because of bodily injury to or death of two or more persons as the result of any one accident; or

III. When one thousand dollars has been credited upon any judgment or judgments rendered in excess of that amount because of injury to or destruction of property of others as a result of any one accident.

Credit for such amounts shall be deemed a satisfaction of any such judgment or judgments in excess of said amounts only for the purpose of this act.

Payments made in settlement of any claims because of bodily injury, death or property damage arising from a motor vehicle accident shall be credited in reduction of the amounts provided for in this section.

12. Suspension Waived Upon Payment of Judgment in Installments. The commissioner shall restore any license or registration when the judgment debtor gives proof of his financial responsibility in the future and when the judgment debtor obtains an order from the trial court in which such judgment was rendered, permitting the payment of such judgment in installments, and while the payment of any said installment is not in default.

13. Application for Payment in Installments. A judgment debtor upon five days' notice to the judgment creditor may

*Section 10-A, chapter 208, *post*.

apply to the trial court in which such judgment was obtained for the privilege of paying such judgment in installments and the court, in its discretion and without prejudice to any other legal remedies which the judgment creditor may have, may so order, fixing the amounts and times of payment of the installments.

14. Installment in Default. In the event the judgment debtor fails to pay any installment as permitted by the order of the court, then upon notice of such default the commissioner shall forthwith suspend the license and registration certificates and registration plates of the judgment debtor until such judgment is satisfied as provided in this act. Provided, however, if the judgment creditor consents in writing, in such form as the commissioner may prescribe, that the judgment debtor be allowed license and registration, the same may be allowed by the commissioner, in his discretion, notwithstanding default in the payment of such judgment or of any installment thereof, for six months from the date of such consent and thereafter until such consent is revoked in writing, if the judgment debtor gives and thereafter maintains proof of his financial responsibility in the future.

15. Action Against Non-resident. All of the provisions of this act shall apply to any person who is not a resident of this state, and if such non-resident has failed to furnish security or to give proof of his financial responsibility in the future as required hereunder, then and in such event such non-resident shall not operate any motor vehicle, trailer or semi-trailer in this state nor shall any motor vehicle, trailer or semi-trailer owned by him be operated within this state by any person, and the commissioner shall not issue to such non-resident any operator's or chauffeur's license or register any motor vehicle, trailer or semi-trailer owned by such non-resident in the same manner as required with respect to a resident of this state. The operation by a non-resident, or with his express or implied consent if an owner, of a motor vehicle, trailer or semi-trailer on a public way of the state shall be deemed equivalent to an appointment by such non-resident of the motor vehicle commissioner or his successor in office, to be his true and lawful attorney upon whom may be served all lawful processes in any action against him, growing out of any accident in which said non-resident may be involved while so operating or so permitting to be operated a motor vehicle on such a way.

16. Policy, Form. No motor vehicle liability policy, as defined in section 1, shall be issued or delivered in the state until a copy of the form of the policy has been on file with the insurance commissioner for at least thirty days, unless, before the expiration of said period, said insurance commissioner shall have approved the form of the policy in writing, nor if said insurance commissioner notifies the company in writing that, in his opinion, the form of said policy does not comply with the laws of the state, provided that he shall notify the company in writing within said period of his approval or disapproval thereof. Said insurance commissioner shall approve a form of policy which contains the name, address and business of the insured, a description of the motor vehicles and trailers or semi-trailers covered, with the premium charges therefor, the policy period, the limits of liability, and an agreement that insurance is provided in accordance with and subject to the provisions of this act.

17. Required Provisions. A motor vehicle liability policy shall be subject to the following provisions which need not be contained therein:

I. The liability of any company under a motor vehicle liability policy shall become absolute whenever loss or damage covered by said policy occurs, and the satisfaction by the insured of a final judgment for such loss or damage shall not be a condition precedent to the right or duty of the company to make payment on account of said loss or damage. No such contract of insurance shall be cancelled or annulled by any agreement between the company and the insured after the said insured has become responsible for such loss or damage, and any such cancellation or annulment shall be void. Upon the recovery of a final judgment against any person for any loss or damage specified in this section, if the judgment debtor was, at the accrual of the cause of action, insured against liability therefor under a motor vehicle liability policy, the judgment creditor shall be entitled to have the insurance money applied to the satisfaction of the judgment.

II. The policy, the written application therefor, if any, and any rider or indorsement, which shall not conflict with the provisions of this act, shall constitute the entire contract between the parties.

III. No statement made by the insured or on his behalf, and no violation of the terms of the policy, shall operate to de-

feat or avoid the policy so as to bar recovery within the limit provided in the policy.

IV. If the death, insolvency or bankruptcy of the insured shall occur within the policy period, the policy during the unexpired portion of such period shall cover the legal representatives of the insured. Such policy shall contain such provisions, as are not inconsistent with this act, as shall be required by the insurance commissioner.

V. Damages shall not be assessed except by special order of the court in an action of tort, payment of the judgment wherein is secured by a motor vehicle liability policy or a motor vehicle liability bond, as defined in section 1, and wherein the defendant has been defaulted for failure to enter an appearance until the expiration of thirty days after the plaintiff has given notice of such default to the company issuing or executing such policy or bond, and has filed an affidavit thereof. Such notice may be given by mailing the same, postage prepaid, to the said company or to its agent who issued or executed such policy or bond. Upon receipt of information and having become satisfied that the insured has failed to comply with the terms of his policy in regard to notice to the company of an accident, the commissioner shall revoke his license and registration for such period as the commissioner shall determine.

18. Liability Bonds. The provisions of sections 16 and 17, except paragraphs I, II and III, shall apply to motor vehicle liability bonds, as defined in section 1, and every such bond shall be subject to, although it need not be contained therein, the provision that no statement made by the principal on such bond or on his behalf, and no violation of the terms of such bond, shall operate to defeat or avoid such bond as against the judgment creditor of such principal.

19. Prohibition. No motor vehicle liability policy other than that defined in section 1 shall be issued or delivered in this state by any authorized insurance company, except that such an authorized insurance company may issue and deliver what is known as a Standard Automobile Liability Policy by having attached thereto an indorsement meeting the requirements of this act, such indorsement to be in such form as the insurance commissioner shall prescribe and to be known as the New Hampshire Statutory Motor Vehicle Liability Policy Indorsement. The insurance commissioner shall approve only

such policy, indorsements and binders as shall meet the requirements of this act.

20. Amount of Proof Required. Proof of financial responsibility shall mean proof of ability to respond in damages for any liability thereafter incurred, arising out of the ownership, maintenance, control or use of a motor vehicle, trailer or semi-trailer in the amount of five thousand dollars because of bodily injury or death to any one person, and subject to said limit respecting one person, in the amount of ten thousand dollars because of bodily injury to or death to two or more persons in any one accident, and in the amount of one thousand dollars because of injury to and destruction of property in any one accident. Whenever required under this act such proof in such amounts shall be furnished for each motor vehicle, trailer or semi-trailer registered by such person.

21. Methods of Giving Proof. Proof of financial responsibility when required under this act may be given by either of the following methods:

I. By filing with the commissioner a certificate, as defined in section 1, of an insurance company or of a surety company; or

II. By the deposit of money or securities as provided in the following section; or

III. By satisfying the commissioner that any corporation has financial ability to comply with the requirements of this act.

22. Money or Securities Deposited as Proof. A person may give proof of financial responsibility by delivering to the commissioner a receipt of the treasurer of this state showing the deposit with said treasurer of money in an amount, or securities approved by said treasurer and of a market value in a total amount, as would be required for coverage in a motor vehicle liability policy furnished by the person giving such proof under this act. Such securities shall be of a type which may legally be purchased by savings banks or for trust funds. All money or securities so deposited shall be subject to execution to satisfy any judgment mentioned in this act but shall not otherwise be subject to attachment or execution.

23. Limitation. The state treasurer shall not accept any such deposit or issue a certificate therefor, and the commissioner shall not accept such certificate unless accompanied by evidence that there are no unsatisfied judgments against the

depositor registered in the office of the clerk of the superior court for the county where the depositor resides.

24. May Substitute Other Proof. The commissioner shall cancel any bond or return any certificate of insurance, or the commissioner shall direct and the state treasurer shall return any money or securities, to the person entitled thereto upon the substitution and acceptance of other adequate proof of financial responsibility pursuant to this act.

25. Operating Without Giving Proof. Any person whose operator's or chauffeur's license or registration certificates or other privilege to operate a motor vehicle, trailer or semi-trailer has been suspended or revoked, restoration thereof or the issuance of a new license or registration being contingent upon the furnishing of security or proof of financial responsibility, and who during such suspension or revocation or in the absence of full authorization from the commissioner shall drive any motor vehicle, trailer or semi-trailer upon any highway or knowingly permits any motor vehicle, trailer or semi-trailer owned by such person to be operated by another upon any highway, except as permitted hereunder, shall be imprisoned for not more than six months or fined not more than five hundred dollars, or both.

26. Application of Act. This act shall in no respect be considered as a repeal of the provisions of the state motor vehicle laws but shall be construed as supplemental thereto.

27. Limitation. This act shall not be construed to prevent the plaintiff in any action at law from relying for security upon the other processes provided by law.

28. Repeal. Chapter 54 of the Laws of 1927 and chapter 189 of the Laws of 1929 are hereby repealed.

29. Takes Effect. This act shall take effect September 1, 1937.

[Approved July 14, 1937.]

CHAPTER 162.

AN ACT ESTABLISHING A BOARD OF REGISTRATION OF HAIRDRESSERS AND REGULATING THE OCCUPATION OF HAIRDRESSING.

SECTION	SECTION
1. Title.	13. Approved schools.
2. Definitions.	14. Apprentices.
3. Board established.	15. Registration of students and apprentices.
4. Duties of the secretary.	16. Credit for practical experience.
5. Rules and regulations.	17. Registration of shops and establishments.
6. Suspension, revocation, reinstatement.	18. License certificate.
7. Inspections.	19. Fees.
8. Compensation of board; disposition of revenue.	20. Term of license and registration.
9. Duties of board.	21. Health certificate.
10. Examinations.	22. Penalties.
11. License and registration required.	23. Constitutionality.
12. Qualifications for license.	24. Effective date of act.

Be it enacted by the Senate and House of Representatives in General Court convened:

1. Title. This act may be cited as the act regulating the practice of hairdressing and beauty culture.

2. Definitions. Terms used in this act shall be construed as follows unless a different meaning is clearly apparent from the language or context:

I. "Apprentice," a person studying hairdressing or manicuring in a shop.

II. "Board," the board of registration of hairdressers established by this act.

III. "Hairdresser," any person who engages in hairdressing for compensation, except the following persons: (1) A barber engaged in his usual occupation, or only in cutting the hair of any female; (2) a person who engages in behalf of a manufacturer or distributor solely in demonstrating the use of any machine or other article for purposes of sale, without charge to the person who is the subject of such demonstration; (3) a person engaged in the practice of hairdressing in a charitable or benevolent institution, where such practice is carried on solely for the benefit of the residents of such institution.

IV. "Hairdressing," arranging, dressing, curling, waving, cleansing, cutting, singeing, bleaching, coloring or similarly treating the hair of any female, or performing work as a cosmetologist or a manicurist or any combination of the foregoing,

but not including the removal of superfluous hair or skin blemishes by direct application of an electric current.

V. "Operator," a person engaged in hairdressing or in any of its branches under the supervision of a licensed hairdresser.

VI. "Manicurist," any person who engages in manicuring for compensation.

VII. "Manicuring," the cutting, trimming, polishing, tinting, coloring or cleansing the nails of any person.

VIII. "School," a school or other institution privately owned, conducted for the purpose of teaching hairdressing, manicuring and all branches of beauty culture.

IX. "Shop," a beauty shop or other place which customers frequent for hairdressing or manicuring, where one or more hairdressers practice.

X. "Student," a person studying hairdressing or manicuring in a school.

XI. "Person," any individual, male or female, acting individually or as a copartner, firm or corporation.

3. Board Established. There is hereby established a Board of Registration of Hairdressers, consisting of three members, appointed by the governor with the advice of the council, who shall have been engaged in the practice of hairdressing in this state for not less than five years. The terms of the members of the board shall be for three, two and one years respectively in the order of their appointment and for three years thereafter. One member of the board shall be designated as chairman and one as secretary. Each member so appointed shall continue to serve until his successor is appointed and qualified to act. The governor, with the advice and consent of the council, shall have the authority to fill any vacancy occurring in the board.

4. Duties of the Secretary. The secretary shall keep a record containing the names and addresses of all licensees and shops, schools and establishments registered under this act with the date of issuance, renewal, suspension or revocation of all licenses and registrations; which record shall be open to public inspection at all reasonable times. He shall issue notices, license and registration certificates, and make or cause to be made sanitary inspections of all shops and establishments at least twice each year.

5. Rules and Regulations. The board shall make such uniform and reasonable rules and regulations as are necessary for

the proper conduct of its business, the establishment of proper standards of professional skill in relation to, and the proper supervision of, hairdressers, manicurists, operators, shops, schools, students and apprentices, and especially shall prescribe such sanitary rules, subject to the approval of the state board of health, as may be necessary to promote cleanliness and safety and prevent the transmission of communicable diseases, but nothing herein shall authorize the board to limit the number of hairdressers, manicurists, shops, schools, operators, students or apprentices in the state or in any given locality, or to regulate or fix compensation or prices, or to refuse to license a shop solely for the reason that such shop is to be conducted by a person in his own home on a full or part time basis, or to interfere in any way with the conduct of the business of hairdressing or manicuring, except so far as is necessary for the protection of the public health, safety or morals. The board shall cause such rules and regulations to be printed in suitable form and a copy thereof to be sent to the proprietors of such shops, schools and establishments, which shall be kept posted in a conspicuous place in such shops, schools and establishments, so as to be easily read.

6. Suspension, Revocation, Reinstatement. The failure of any person to observe the requirements of any rules and regulations made by said board shall be cause for the suspension or revocation of any license or certificate of registration issued by said board, but no license or registration shall be suspended or revoked without a reasonable opportunity being offered to such person to show cause to said board why such license or registration should not be suspended or revoked. Before any license or registration shall be suspended, revoked or cancelled, the licensee and holder of certificate of registration shall have had notice in writing of the charge or charges against him and at a day specified in said notice, which shall be at least ten days after service of notice thereof, shall have been given a hearing and an opportunity to present testimony in his behalf and to confront the witnesses against him. The mailing of a registered letter, postage prepaid, containing a notice of such hearing and addressed to the licensee or holder of certificate of registration at his address in this state as it appears in his license or registration certificate, shall be a sufficient service of such notice, and said ten-day period shall begin to run from the date of such mailing. Any such license or registration

suspended or revoked shall be delivered to any member of the board or its agent upon demand. The board may, upon written request, after investigation, reinstate any license or registration, upon satisfactory proof that this can be done consistently with public interests.

7. Inspections. Any member of the board shall have power to enter and make reasonable examination and inspection of any such shop, school or establishment during business hours for the purpose of ascertaining whether or not the rules and regulations are being observed.

8. Compensation of Board; Disposition of Revenue. The secretary shall receive and receipt for all fees received by the board under this act and shall at the end of each month report to the comptroller the total amount of all money received from all sources and shall at the same time deposit with the state treasurer the entire amount of said receipts. Said secretary shall give bond to the state in the sum of two thousand dollars, with sufficient sureties to be approved by the attorney-general, conditioned that he shall faithfully perform all the duties of his office. The annual salary of said secretary shall be five hundred dollars. Each member of said board shall receive five dollars a day while in attendance upon examinations or conducting inspections and reasonable expenses while traveling in the performance of his duties. The compensation and expenses of the members of the board shall be paid by the state treasurer upon the warrant of the governor, but the total expenditures for such purpose shall not exceed the total moneys received by the state treasurer under the provisions hereof.

9. Duties of Board. The board shall prescribe the duties of its officers and employees, which shall be at all times subject to the direction and supervision of the state board of health, shall establish a principal office, at which all records and files of the board shall be kept. The board shall keep a record of its proceedings and shall do all other things necessary to carry out the provisions of this act. It shall be the duty of the board to report to proper prosecuting officers all violations of this act coming within its knowledge, to make a written report annually to the governor containing a full and complete account of all its official acts during the year, together with a statement of the receipts and disbursements of the board and such comments as may be deemed necessary.

10. Examinations. The board shall hold examinations at

least once in six months in such cities and towns throughout the state as it may deem most convenient for applicants and at such additional times as it may from time to time determine. The board shall notify all applicants at least ten days in advance as to the place, date and time of examinations, and publish notice of same in such form and places as said board may prescribe.

11. License and Registration Required. It shall be unlawful for any person (a) to practice hairdressing and beauty culture in this state unless he shall first have obtained a license as provided by this act, and (b) to operate or work in a shop, school or other establishment, even though licensed, unless said shop, school or establishment is registered as provided by this act.

12. Qualifications for License.

I. Applicants. Upon payment of the fee provided by this act, applicants shall be eligible to obtain licenses as follows:

(a) Operators. Any person who is (1) at least sixteen years of age, (2) who is of good moral character and temperate habits, (3) who shall have had an education equivalent to the completion of the eighth grade in the public schools of this state, (4) who has had training of at least one thousand hours extending over a school term of six months in a school of cosmetology in this state, approved by the board of this state, or (5) who has served at least six months in this state as an apprentice in a cosmetological establishment, or (6) who has studied or practiced as defined in (4), (5) and (6) for a like period in a state whose requirements are substantially the same as this state and in which hairdressers licensed in this state are given like recognition.

(b) Operators Entitled to Hairdresser's License. Any licensed operator shall be entitled to practice hairdressing for compensation, but shall not be entitled to open or operate a shop in his own name until he has had not less than six months' practical experience under the supervision of a licensed hairdresser and in a registered shop in this state, but shall, thereafter, upon application to said board and without examination or payment of additional fee, be entitled to receive a license as a hairdresser.

(c) Hairdressers. Any person who has been actively engaged in the practice of hairdressing and beauty culture in this state for a period of at least three months prior to this

act taking full effect shall be entitled, upon written application to the board and without examination, to receive a license to practice hairdressing in this state upon payment of fee provided by this act.

(d) Manicurists. Any person who has complied with requirements (1), (2), and (3) as above set forth, and in addition thereto (4) has completed a course of at least one month, including at least one hundred hours of professional training in manicuring in a school approved by the board, or (5) any apprentice who, in the opinion of the board, has received the equivalent of such a course. Any person who has been actively engaged in the practice of manicuring in this state for a period of at least three months prior to this act taking full effect shall be entitled, upon written application to the board, and without examination, to receive a license to practice manicuring in this state upon payment of fee provided by this act.

(e) Non-residents. The board may license without examination any hairdresser or manicurist who has been registered or licensed as such under the laws of another state which, in the opinion of the board, maintains a standard substantially equivalent to that of this state and in which hairdressers and manicurists licensed in this state are given like recognition, upon payment of fee provided by this act.

II. Applications. Applicants shall make written application on a form prescribed and supplied by said board, which shall contain satisfactory evidence of the qualifications required of the applicant under this act and shall be filed with the secretary of said board and shall be accompanied by examination fee, which shall include fee for license certificate if examination is satisfactory; if not successful, applicant shall have the privilege of taking a second examination without payment of additional fee at any subsequent examination held by the board within a period of one year.

13. Approved Schools. No school of hairdressing and beauty culture shall be approved by said board in this state unless it has a minimum requirement of a continuous course of study of one thousand hours distributed over a period of not less than six months, including practical demonstrations, written or oral tests, and theoretical and practical instruction in sanitation, sterilization and the use of antiseptics, cosmetics and electrical appliances, which course of study and instruction shall be subject to the approval of said board. Schools

must provide a separate room for class work and instruction and one room for supervised practice. Each school shall have in good working order all apparatus and equipment necessary for the full and ready teaching of all subjects included in its curriculum. Schools must keep daily record of attendance of each student and each practice and tests records shall be open for inspection by members of the board. All brushes, combs, towels, instruments, and applicators must be cleaned and must be disinfected after each use. All students must wear washable uniforms. Suitable containers for soiled towels, brushes, and combs must be provided. Floors must have washable coverings. No person shall be engaged to instruct in any of the branches of hairdressing, beauty culture and manicuring as defined in this act unless licensed by the board.

14. Apprentices. No shop or other establishment shall have at any time more than one apprentice after this act takes full effect, provided, however, this provision shall not affect apprentices who are engaged as such at the time of the passage of this act.

15. Registration of Students and Apprentices. All students enrolled in registered schools shall, within fifteen days after entering upon their course of study, be registered with the board by such school. Students at registered schools may, within such fifteen-day period, register with the board. Every apprentice who is engaged as such at the time this act takes full effect, shall, within fifteen days thereafter, and every other apprentice shall, within fifteen days after the beginning of his apprenticeship, file with the secretary of the board the name and place of business of his employer, the date of commencement of such apprenticeship, and the full name, age and address of said apprentice. No fee shall be required for registration of students and apprentices. Students and apprentices may practice on paying customers under the supervision of a hairdresser at reduced price and with full understanding by the customer that the work is done by student or apprentice. A school or shop may pay a student or apprentice for any services rendered by him. Any student or apprentice shall be allowed credit for time spent in a school or shop prior to this act taking full effect, provided the school or shop is registered by the board at the time the student or apprentice applies for an examination.

16. Credit for Practical Experience. Any student or ap-

prentice eligible to take examination for a license as an operator may, pending the holding of such examination, apply to said board for a student's and apprentice's permit, accompanied by a fee of ten dollars. The board may issue a permit which shall authorize said student or apprentice to engage in the practice of hairdressing or manicuring under the supervision of a licensed hairdresser and in a registered shop in this state. If said student or apprentice takes an examination given by said board for an operator's license within six months from the date of the issuance of said permit, credit shall be given for the payment of ten dollars on the fee required, and said student or apprentice may be credited with the practical experience so acquired relative to the issuance thereafter of a hairdresser's license.

17. Registration of Shops and Establishments. Licensed hairdressers may, upon written application in the form provided, accompanied by fee, upon the approval of board, receive a certificate of registration authorizing such applicant to operate a shop in this state, which license may thereafter be renewed upon payment of renewal fee. The board may authorize a hairdresser licensed in this state to change the location of a shop and may issue to any hairdresser licensed in this state a short-term license for a period not exceeding three months, upon payment of fee. Booths attached to or within a shop that are operated independently thereof shall be subject to registration fees in the same manner as an independent shop.

18. License Certificate. The board shall furnish to each licensed operator and hairdresser a license bearing the seal of the board, certifying that the holder thereof is entitled to practice hairdressing and beauty culture in this state and it shall be the duty of the holder of such license to post the same in a conspicuous place where it may be readily seen by all persons whom he may serve. A license limited to manicuring only may be issued by the board upon compliance with such examination requirements as may be determined by the board and upon payment of the fees as provided by this act.

19. Fees. Except as herein otherwise provided, the fees established by this act to be paid to said board by applicants before a license or registration certificate shall issue shall be as follows:

Applicant	Original	Renewal
School	\$25.00	\$25.00
Shop	10.00	5.00
Short-term Shop	5.00	3.00
Hairdressers	5.00	2.00
Non-resident Hairdressers ..	20.00	2.00
Manicurists	3.00	2.00
Non-resident Manicurists ...	5.00	2.00
Examination	10.00	.....

20. Term of License and Registration. Each license and registration issued under this act shall expire on June thirtieth next succeeding its date of issuance and shall not be renewed unless application therefor is filed and the fee paid. Licenses and registrations may be renewed at any time during the year following their expiration, upon payment of the renewal fee prescribed therefor. The secretary shall, at least ten days prior to the expiration of any license and registration, mail a notice to the holder, advising him to that effect, and enclose therewith a blank application for renewal thereof. If the holder of any license or registration certificate fails to renew same upon the expiration thereof for the next succeeding year, he shall be required to pay the original license and registration fee in the event he subsequently applies for same.

21. Health Certificate. Before engaging in actual employment in the practice of hairdressing and at least once every year thereafter every registered hairdresser and operator shall secure from a physician a certificate stating that such hairdresser or operator is not afflicted with tuberculosis, venereal disease in a communicable form, or with any other communicable disease. Said certificate shall be on a form furnished by the board and shall be kept conspicuously posted with the license certificate provided under section 18 of this act.

22. Penalties. Whoever practices or attempts to practice the occupation of hairdressing or manicuring unless licensed by the board, and whoever conducts or attempts to conduct a school, shop or establishment not registered by said board, and whoever violates any provision of this act or any rule or regulation made under authority thereof shall be fined not more than one hundred dollars or imprisoned not more than six months, or both, in the discretion of the court.

23. Constitutionality. If any section, sub-section, sentence,

clause or phrase of this act is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this act.

24. Effective Date of Act. The provisions of this act authorizing the establishment and organization of said board shall take effect upon its passage, and the remaining provisions of this act shall become effective on September 1, 1937, or upon such later date as the members of the board established by this act shall be appointed and qualified.

[Approved July 14, 1937.]

CHAPTER 163.

AN ACT TO REGULATE THE PRACTICE OF BARBERING.

SECTION

1. Title.
2. Barbering defined.
3. Exemptions.
4. Examining and licensing board.
5. Duties of the secretary and treasurer.
6. Receipts and their disposition.
7. Compensation.
8. Registration.
9. Qualifications.
10. Applications.
11. Examinations.
12. Certificate.

SECTION

13. Barbers from other states.
14. Resident barbers.
15. Display of certificate.
16. Shop registration.
17. Annual renewals.
18. Grounds for exclusion.
19. Hearing on exclusion.
20. Fees.
21. Penalties.
22. Application of laws.
23. Where in force.
24. Takes effect.

Be it enacted by the Senate and House of Representatives in General Court convened:

1. Title. This act shall be known and may be cited as the New Hampshire Barber Law.

2. Barbering Defined. The practice of barbering is hereby defined to be any of or any combination of the following practices for hire or reward: Shaving or trimming the beard or cutting or bobbing the hair; giving facial or scalp massages or treatment with oils, creams, lotions or other preparations, either by hand or mechanical appliances; singeing, shampooing, arranging, dressing, or dyeing the hair or applying hair tonics; applying cosmetic preparations, antiseptics, powders, oils, clays or lotions to scalp, face or neck; removing superfluous hair from the face or neck of any person. For the purpose of this act the term barber shop is hereby defined to embrace and include any establishment or place of business

wherein the practice of barbering as hereinabove defined is engaged in or carried on.

3. Exemptions. The provisions of this act shall not be construed to apply to (a) persons authorized by the law of this state to practice medicine and surgery, or osteopathy or chiropractic; (b) commissioned medical or surgical officers of the United States army, navy or marine hospital service; (c) registered nurses under the laws of this state; (d) persons practicing beauty culture, or operating beauty parlors, so-called, patronized mainly by women; (e) persons engaged in the practice of barbering in public or private institutions, where such practice is carried on solely for the benefit of the inmates of such institution; (f) undertakers or their assistants in the practice of their profession.

4. Examining and Licensing Board. There is hereby created a Barbers' Examining and Licensing Board, herein referred to as the board, which shall consist of three members appointed by the governor with the advice and consent of the council. At least two members of the board shall be practical barbers who have followed the practice of barbering in this state for at least five years. One member of the board shall be designated as chairman and one member as secretary and treasurer. The members of the first board shall be appointed to serve for three years, two years and one year respectively, as designated in the appointment, and thereafter each member appointed shall serve for three years. The governor may remove a member for cause. Members appointed to fill vacancies shall serve during the unexpired terms of their predecessors.

5. Duties of the Secretary and Treasurer. The secretary and treasurer shall keep a record of all the proceedings of the board, and shall report annually to the governor and council giving a full statement of all receipts and expenditures and a statement of its work during the year together with such recommendations as it may deem expedient. The secretary shall keep on file and open to public inspection at all reasonable times a record of its proceedings relating to the issuance, refusal, renewal, suspension, and revocation of certificates of registration.

6. Receipts and Their Disposition. The secretary and treasurer shall file with the secretary of state a bond for the sum of one thousand dollars with sufficient sureties, approved by the attorney-general, for the faithful performance of his

duties. All moneys received by the board under this act shall be paid to the secretary of the board, who shall give a receipt for the same and shall at the end of each month report to the state comptroller the total amount of money received by him on behalf of the board from all sources and shall at the same time deposit with the state treasurer the entire amount of such receipts.

7. Compensation. The secretary and treasurer shall receive a salary of three hundred dollars per year and each of the other members of the board shall receive as compensation the sum of five dollars for each day actually devoted to the work of the board and each member of the board shall be reimbursed for necessary traveling expenses incurred in the discharge of his duty, provided that the total expenditures hereby authorized shall not exceed the amount of moneys received by the state treasurer from the board during the current year.

8. Registration. It shall be unlawful for any person to engage in the practice of barbering or attempt to practice barbering without a certificate of registration issued pursuant to the provisions of this act. It shall be unlawful for any person to serve as an apprentice under a registered barber without a certificate of registration as a registered apprentice issued by said board. It shall be unlawful for any person, firm or corporation to operate a barber shop unless such shop shall at all times be under the direct supervision and management of a registered barber. It shall be unlawful for any person, firm or corporation to hire or employ any person to engage in the practice of barbering unless such person then holds a valid, unexpired and unrevoked certificate of registration to practice barbering or a certificate of registration as a registered apprentice or a permit to practice as a journeyman barber or a permit to work as an apprentice, issued under the provisions of this act.

9. Qualifications. Any person is qualified to receive a certificate of registration to practice barbering (a) who is at least eighteen years of age; (b) who has practiced as a registered apprentice for a period of six months under the immediate personal supervision of a registered barber; (c) who has passed a satisfactory examination conducted by the board to determine his fitness to practice barbering. Any person is qualified to receive a certificate of registration as a registered ap-

prentice who is at least sixteen years of age and has paid the required fee.

10. Applications. Each applicant for an examination before said board shall file an application under oath which shall be in such form and contain such information as may be required by the board and said applicant shall pay the required fee.

11. Examinations. The board shall conduct examinations of applicants for certificates of registration to practice as registered barbers no more than eight times each year, at such times and places as the board may determine. The examination of applicants for certificates of registration as registered barbers shall include both a practical demonstration and a written and oral test, and shall embrace such subjects as the board may deem necessary to determine fitness. Before engaging in actual employment in the practice of barbering, and at least once a year thereafter, every registered barber and registered apprentice shall secure from a physician a certificate stating that such barber or apprentice is not afflicted with tuberculosis, venereal disease in a communicable stage, or with any other communicable disease. Said certificate shall be on a form furnished by the board.

12. Certificate. Certificate of registered barber shall be issued by the board to any applicant who shall pass a satisfactory examination, making an average grade of not less than seventy per cent, and who shall possess the other qualifications required by law. An applicant who fails to pass a satisfactory examination must continue to practice as an apprentice for an additional six months before he is again entitled to take the examination for a registered barber.

13. Barbers from Other States. Any person who is (a) at least eighteen years of age; (b) has a license or certificate of registration as a practicing barber from another state or country which has substantially the same requirements for licensing or registering barbers as required by this act, or; (c) who can prove by sworn affidavits that he has practiced as a barber in another state or country for at least five years immediately prior to making application in this state, shall upon payment of the required fee be issued a permit to practice as a journeyman barber only until he is called by the board for examination to determine his fitness to receive a certificate of registration to practice barbering.

Should he fail to pass the required examination, he shall be allowed to practice as a journeyman barber until he is called by the board for the next term of examinations. Should he fail at the second examination, he must cease to practice barbering in this state.

Any apprentice who is at least sixteen years of age and has a certificate of registration as an apprentice in a state or country which has substantially the same requirements for registration as an apprentice as is provided by this act shall, upon payment of the required fee, be issued a permit to work as an apprentice and the time spent in such other state or country as an apprentice shall be credited upon the period of apprenticeship required by this act as a qualification to take the examination to determine fitness to receive a certificate of registration as a registered barber.

Any person who has practiced as an apprentice in another state or country which does not have substantially the same requirements for registration as an apprentice as required by this act and who has the qualifications required in section 9 of this act, shall be credited with the time spent as an apprentice in such other state or country upon the period of apprenticeship required by this act as a qualification to take the examination to determine fitness to receive a certificate of registration as a registered barber.

14. Resident Barbers. Any person a resident of this state who has since January first, 1937, been continuously engaged in the practice of barbering at one or more established places of business shall be granted a certificate of registration as a registered barber without examination by making application to the board on or before September first, 1937, and paying the required fee. Any person who has been practicing barbering as an apprentice under the supervision of a practicing barber in this state, continuously since January first, 1937, shall be granted a certificate of registration to practice as an apprentice by making application to the board on or before September first, 1937, and paying the required fee. Such person shall, in either of the cases above-mentioned, be given credit for the time so spent as a part of the time required under the provisions of section 9 of this act.

15. Display of Certificate. Every holder of a certificate of registration shall display it, together with the physician's

certificate of health required under section 11 of this act, in a conspicuous place adjacent to or near his work chair.

16. Shop Registration. It shall be unlawful for any person, firm or corporation, either as owner, manager or agent, to open, establish, conduct or maintain a shop, place or establishment in this state for the conduct of the occupation of barber without first having obtained from this board a certificate of registration or license of such barber shop or establishment. Application for such shop registration or license shall be made to said board in writing and shall state the name and address of the owner of such shop and the city or town and the street and number where the same is located, and contain such other information as may be required by said board.

Upon receipt of such written application said board shall notify the local board of health who shall make an investigation and if said board of health shall find that the operators in such shop or establishment hold certificates of registration to practice barbering, as herein provided, and that such shop or establishment is, with respect to its location, appointments, equipment and appliances, suitable and sanitary for such purpose said board of health shall so report to said board and said board shall issue to the applicant, upon payment of the fee herein provided, a certificate or a registration or a license to conduct a barber shop or establishment at such location until the first day of July following the date of such registration.

Said board shall annually on the first day of July, upon written application made by a holder of a shop registration or license, if said board shall find that such shop or establishment complies with the provisions hereof, issue a renewal of such registration or license to the holder thereof for a period of one year from such July first. Such certificate or registration or license shall be conspicuously posted within such shop or establishment.

In the event of a change of location of any registered barber shop and upon notice thereof, said board shall issue a transfer of certificate of registration of such shop to its new location, provided such new location shall meet the requirements herein provided and of the rules and regulations of said board. Said board may revoke any certificate of shop registration or license upon finding that such shop or establishment fails to comply with the provisions of this act or the rules and regulations prescribed by said board, provided that before any such certifi-

cate shall be revoked the holder shall have notice thereof and be granted a hearing as provided with respect to the revocation of licenses to practice barbering.

17. Annual Renewals. Every registered barber and every registered apprentice who continues in active practice or service shall annually on or before July first of each year renew his certificate of registration and pay the required fee. Every certificate of registration which has not been renewed during the month of July in any year shall expire on the first day of August in that year. A registered barber or a registered apprentice whose certificate of registration has expired may have his certificate restored upon payment of the required restoration fee. Any registered barber who retires from the practice of barbering for not more than five years may renew his certificate of registration upon payment of the required restoration fee.

18. Grounds for Exclusion. The board may either refuse to issue or renew or may suspend or revoke any certificate of registration for any of the following causes: (a) Malpractice or incompetency; (b) continued practice by a person having an infectious or contagious or communicable disease; (c) advertising by means of knowingly false and deceptive statements; (d) advertising, practicing or attempting to practice under another's name; (e) habitual drunkenness or habitual addiction to use of morphine or cocaine or other habit-forming drugs; (f) the commission of any of the offenses referred to in section 21 of this act.

19. Hearing on Exclusion. The board shall not refuse to issue or remove or suspend or revoke any certificate of registration to any person for any of the causes referred to in section 18 of this act, unless before taking such action the board shall have given written notice thereof to such person, stating the specific reason for its adverse action and such person shall have been granted the opportunity to appear before the board for a public hearing within twenty days from the date of said notice. At such hearing the accused may be represented by counsel.

The board shall have the power to summon witnesses and to require the production of books, records and papers for the purpose of such hearing. Subpoenas shall be issued by the secretary of the board, directed to the sheriff of the proper county, to be served and returned in the same manner as sub-

poenas in criminal cases. The fees and mileage of the sheriff and witnesses shall be the same as allowed in criminal cases in the superior court and shall be paid from the funds of the board as other expenses of the board are paid.

If the accused shall prevail at such hearing, the board shall grant him the proper relief without delay. Any investigation, inquiry or hearing thus authorized may be entertained or held by or before any member or members of the board, and the finding or order of such member or members, when approved and confirmed by the board, shall be deemed the finding or order of the board.

20. Fees. The fees to be paid by an applicant for an examination to determine his fitness to receive a certificate of registration to practice barbering shall be five dollars and for the issuance of the certificate one dollar.

The fee to be paid by an applicant for a certificate of registration to practice as an apprentice shall be two dollars and for the issuance of the certificate one dollar.

The fee to be paid for the renewal of a certificate of registration to practice barbering shall be two dollars and for the restoration of an expired certificate three dollars.

The fee to be paid for the renewal of a certificate of registration to practice as an apprentice shall be one dollar and for the restoration of an expired certificate two dollars.

The fee to be paid for a certificate of registration or license to maintain a barber shop shall be three dollars.

21. Penalties. The violation of or wilful failure to comply with any of the provisions of this act or of any rule or regulation lawfully made hereunder shall constitute a misdemeanor punishable by a fine of not less than twenty-five dollars nor more than two hundred dollars. It shall be the duty of the local health officers, with the general co-operation of the state board of health, to enforce the provisions of this act by regular inspections of all barber shops at least four times every year, to prosecute in the courts any violations discovered and to report such violations to the examining and licensing board.

22. Application of Laws. Sections 19, 20 and 21 of chapter 133 of the Public Laws shall not apply in cities and towns where this act is effective.

23. Where in Force. The provisions of this act shall be in force in all cities and towns of one thousand or more inhabi-

tants and in such other towns as shall by majority vote at an annual or special town meeting adopt the same, under an article in the warrant for such action.

24. Takes Effect. The provisions of this act authorizing the establishment and organization of said board shall take effect upon its passage and the remaining provisions shall take effect on September 1, 1937.

[Approved July 14, 1937.]

CHAPTER 164.

AN ACT RELATING TO CARRIERS OF PROPERTY FOR HIRE ON THE PUBLIC HIGHWAYS.

SECTION

1. Registration certificates.
2. Temporary provisions for registration certificates and number plates.

SECTION

3. Takes effect.

Be it enacted by the Senate and House of Representatives in General Court convened:

1. Registration Certificates. Amend section 9 of chapter 106 of the Laws of 1933, by striking out the words, "the thirty-first day of December of the year of its issue" and by inserting in place thereof the words, midnight upon the thirty-first day of March next following the date of its issue, so that said section as amended shall be as follows: **9. Fees.** Each application for a registration certificate or special number plates for operation as a common carrier shall be accompanied by a fee of five dollars, except that the fee for the period ending December 31, 1933, shall be two dollars and fifty cents, such money to be used for the purpose of defraying the expenses of administering this act. A copy of said certificate and the special number plates shall at all times be displayed on each motor vehicle authorized by the commission to operate under the provisions of the foregoing sections. The charge for each additional plate and copy of registration certificate shall be two dollars. In the case of contract carriers the charge for registration certificate and special number plates shall be two dollars. Plates shall not be changed from one vehicle to another unless written notice thereof has been mailed to the commission. No certificate

may be transferred or sold without the consent of the commission authorizing such transfer or sale. No certificate granted under this act shall be effective after midnight upon the thirty-first day of March next following the date of its issue. The renewals shall be issued upon application made in accordance with the commission's requirements upon the payment of fees prescribed for original applications.

2. Temporary Provisions for Registration Certificates and Number Plates. For the period from January first to March thirty-first, 1938, inclusive, any carrier to whom registration certificates and special number plates have been issued for the year 1937 shall display on each motor vehicle authorized by the public service commission to operate under the provisions of chapter 106 of the Laws of 1933, the special number plates issued for such motor vehicle, for the year 1937, and such motor vehicle shall be deemed to be properly registered under the provisions of said chapter 106 for the period ending March 31, 1938. The registration of every motor vehicle registered under said chapter for the period from January 1, 1938 to March 31, 1938 shall expire at midnight, March 31, 1938. For such registrations the commission may issue 1937 plates, and motor vehicles displaying such plates shall be deemed to be properly registered under said chapter.

3. Takes Effect. This act shall take effect at midnight, December 31, 1937.

[Approved July 14, 1937.]

CHAPTER 165.

AN ACT RELATING TO THE SALE OF SECURITIES.

SECTION

1. Definition of securities.

SECTION

2. Takes effect.

Be it enacted by the Senate and House of Representatives in General Court convened:

1. Definition. Amend section 2, chapter 284 of the Public Laws, as amended by chapter 63 of the Laws of 1927, chapter 38 of the Laws of 1929, chapter 101 of the Laws of 1933 and chapter 35 of the Laws of 1937, by inserting after the word "petroleum" in the fourth line the words, or minerals, and further amend said section 2 by striking out the word "is"

in both places where it occurs in said fourth line and inserting in place thereof the word, are, so that said section as amended shall read as follows: **2. Securities.** Securities shall include all classes of stocks and shares, bonds, debentures, evidences of indebtedness and certificates of participation, certificates of warehousemen, rights and interests in land from which petroleum or minerals are, or are intended to be, produced, ship shares and investment contracts in the form of a bill of sale, or any similar device, and contracts of services or advice relating to investments, or membership in organizations or associations purporting to render such service or advice.

2. Takes Effect. This act shall take effect upon its passage.

[Approved July 14, 1937.]

CHAPTER 166.

AN ACT MAKING APPROPRIATION FOR THE EXPENSES OF THE
STATE OF NEW HAMPSHIRE FOR THE YEAR
ENDING JUNE 30, 1938.

SECTION	SECTION
1. Appropriations.	2. Takes effect.

Be it enacted by the Senate and House of Representatives in General Court convened:

1. Appropriations. The sums hereinafter mentioned are appropriated to be paid out of the treasury of the state for the purposes specified for the fiscal year ending June 30, 1938, to wit:

A continuing appropriation which shall not lapse,
shall not be transferred to any other department,
institution or account and which shall
be for the expenses of the legislature only. . . . \$135,000

For the executive department as follows:

Salary of governor	\$5,000
Salary of governor's secretary	3,000
Clerical expense	5,500
Other current expenses	3,500
Council, per diem and expenses	5,500
Contingent fund	5,000

Emergency fund for protection of interests of the state	40,000
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Total	\$67,500
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For judicial department as follows:

Salaries of supreme court justices	\$35,000
Clerical expense of supreme court	4,650
Other expenses of supreme court	6,350
Refurnishing and painting rooms	2,205
Examination of law students	500
Salaries of superior court justices	42,000
Other expenses of superior court	8,000
Salaries of probate court judges	17,600
Salaries of probate court registers and deputies	20,300

Total	\$136,605
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For adjutant-general's department as follows:

Salary of adjutant-general	\$4,000
Clerical expense	3,000
Other current expenses	1,115
Salaries national guard	34,000
Expenses national guard	15,650
Armories:	
Maintenance	25,350
Rifle ranges	960
Officers' uniform allowances	2,300

Total	\$86,375
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For department of agriculture as follows:

Salary of commissioner	\$3,500
Salary of deputy	2,750
Clerical expense	3,715
Other current expenses	1,552
Institutes and public meetings	1,060
Granite State Dairymen's Association	500
New Hampshire Horticultural Society	1,000
New Hampshire Sheep Breeders' Association	250
Nursery inspection	720
Feeding stuffs inspection	4,980
Fertilizer inspection	1,864

Agricultural seed inspection	945
Insecticides and fungicides	200
Apiary law	293
Insect suppression:	
Salary of deputy	1,600
Salaries of other assistants	6,921
Other current expenses	1,775
Dairy inspection:	
Salary of inspector	2,400
Other expenses	925
Licensing milk dealers	380
Egg inspection:	
Salary of inspector	1,600
Other expenses	1,650
Bureau of markets:	
Clerical expense	3,012
Other expenses	855
Crop reporting service	1,000
Printing and mailing bulletins	5,000
Labeling service	800
Apple grading	890
Division of animal industry:	
Salary of state veterinarian	3,500
Salaries of assistants	9,226
Other current expenses	3,637
Equipment	1,000
Other expenditures:	
Bovine disease indemnities	
July 1, 1937, to December 31, 1937....	32,000
January 1, 1938, to June 30, 1938....	32,000
Pullorum disease	15,000
Veterinarian services	57,660
Expenses of veterinarians	2,850
Aid for agricultural fairs	3,500
Maintenance New Hampshire State Building, Springfield	1,000
Total	\$213,510

For attorney-general's department as follows:

Salary of attorney-general	\$4,000
Salary of assistant attorney-general	4,000

Clerical expenses:

Salary of law clerk	\$1,800
Salary of chief clerk	1,900
Salary of research clerk	1,800
Other clerical expenses	4,300
	<hr/>
	9,800
Other current expenses	3,380
Fees to registers of probate	3,000
Legacy tax expenses	600

Total \$24,780

For comptroller's department as follows:

Salary of comptroller	\$5,000
Salary of assistant comptroller	3,000
Clerical expense	12,300
Additional clerk, half time	440
Other current expenses	3,150

Total \$23,890

For department of forestry and recreation as follows:

Salary of state forester	\$3,500
Salary of assistant state forester	2,500
Clerical expense	6,700
Other current expenses	3,850

State nursery:

Salaries	4,650
Other expenses	1,985

Reforestation 1,450

Forest fire work:

District chiefs	6,345
Lookout stations	10,000
Prevention of fires	2,450
Forest fire bills to towns	7,500

White pine blister rust eradication 5,353

Recreational development and maintenance:

Salary of supervisor	1,700
Seasonal personnel	9,750
Other expenses	4,050

Co-operation federal emergency program 4,100

Total \$75,883

For insurance department as follows:

Salary of commissioner	\$5,000
Salary of deputy commissioner	1,800
Clerical expense	6,400
Other current expenses	4,005

Total \$17,205

For bureau of labor as follows:

Office of commissioner:

Salary of commissioner	\$3,000
Clerical expense	5,000
Other current expenses	2,850
Factory inspection	10,750

Minimum wage division:

Salary of administrator	2,200
Investigators and clerical services	8,286
Other current expenses	6,000

Interstate compacts	500
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Employment services:

Managers and clerical	11,200
Other current expenses	3,800

Total \$53,586

For state library as follows:

Salary of librarian	\$2,500
Salary of assistant to librarian	1,200
Salary of cataloguer	1,800
Other assistants	6,331
Other current expenses	12,565
Library furniture	6,700

Total \$31,096

For purchasing agent's department as follows:

Salary of purchasing agent	\$4,000
Salary of assistant purchasing agent	2,700
Clerical expenses	5,880
Other current expenses	2,475

Total \$15,055

For state house department as follows:

Salary of superintendent	\$2,000
Other salaries	29,821
Other current expenses	42,290
Special equipment and repairs	3,685

 \$77,796

Deductions:

Revenue from state library	\$3,810	
Rental for state highway depart- ment to be a charge upon highway funds	4,113	7,923

 Total \$69,873

For state department as follows:

Salary of secretary	\$4,000
Salary of deputy secretary	2,700
Clerical expenses	7,425
Other current expenses	3,075
Direct primary	335
Australian ballot	503
Copying ancient records	5,125
Franklin Pierce birthplace	627.95
Daniel Webster birthplace	730
State and provincial records	3,740

 Total \$28,260.95

For treasury department as follows:

Salary of treasurer	\$4,000
Salary of deputy treasurer	2,700
Clerical expenses	11,667.50
Other current expenses	6,045
Capital outlays for rights and obligations:	
Teachers' Institutes	2,388.93
Benjamin Thompson fund	31,887.27
Agricultural college fund	4,800
Hamilton Smith fund	400
Kimball legacy	270.14
Fiske legacy	1,055.14

Awards and indemnities	7,000
Burial of soldiers and sailors	8,500
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Total	\$80,713.98

For department of weights and measures as follows:

Salary of commissioner	\$3,000
Other salaries, including a fourth inspector..	9,100
Other current expenses	6,175
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Total	\$18,275

For Industrial School as follows:

Salary of superintendent	\$4,000
Clerical expenses	4,300
Other current expenses	1,915
Instruction:	
Instructors' salaries	4,500
Instructors' expenses	950
Custodial care:	
Salaries	19,100
Other expenses	18,900
Auxiliary to custodial care	350
Operation of plant:	
Salaries	1,140
Other expenses	13,355
Maintenance of plant:	
Salaries	4,539
Other expenses	3,200
Agriculture:	
Salaries	4,600
Other expenses	7,590
Parole service	4,484
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Total	\$92,923

For Laconia State School as follows:

Salary of superintendent	\$4,000
Clerical expenses	7,910
Other current expenses	2,793
Professional care and treatment:	
Salaries	36,900
Other expenses	3,497

Custodial care:	
Salaries	11,400
Other expenses	47,197
Operation of plant:	
Salaries	4,550
Other expenses	25,004
Maintenance of plant:	
Salaries	6,500
Other expenses	7,025
Agriculture:	
Salaries	20,040
Other expenses	18,315
Construction of cement walks	1,000
Maintenance and operation of new infirmary including professional treatment and custodial care	9,000
Total	\$205,131

For soldiers' home as follows:

Salary of commandant	\$1,800
Clerical expenses	245
Other current expenses	455
Custodial care:	
Salaries	4,800
Other expenses	8,200
Professional care and treatment:	
Salaries	3,000
Other expenses	1,000
Operation of plant:	
Salaries	1,400
Other expenses	5,100
Maintenance of plant:	
Salaries	35
Other expenses	3,965
Agriculture:	
Salaries	1,000
Other expenses	1,000
Total	\$32,000

For New Hampshire State Hospital as follows:

Administration	\$37,554
Professional care and treatment	253,718.46
Custodial care	289,343.40
Operation of plant	113,907.50
Maintenance of plant	63,392.94
Resurfacing driveway	2,500
Agricultural	43,822

Total requirements	\$804,238.30
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Less revenues	8,000
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Net appropriations	\$796,238.30
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For State Prison as follows:

Salary of warden	\$3,250
Clerical expense	2,950
Other current expenses	1,450
Instruction	2,040

Custodial care:

Salaries	39,345
Other expenses	53,050
Auxiliary to prison care and custody	7,150

Operation of plant:

Salaries	2,925
Expenses	8,530

Maintenance of plant:

Expenses	2,000
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Agriculture:

Expenses	675
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Parole service	6,390
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Total	\$129,755
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For New Hampshire State Sanatorium as follows:

Salary of superintendent	\$4,000
Clerical expense	1,240
Other current expenses	1,455
Professional care and treatment:	
Salaries	15,670
Other expenses	4,275

Custodial care:	
Salaries	8,545
Other expenses	24,460
Operation of plant:	
Salaries	7,665
Other expenses	11,121
Maintenance of plant:	
Salaries	1,100
Other expenses	3,255
Agriculture:	
Salaries	3,075
Other expenses	2,750
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Total requirements	\$88,611
Less revenue	700
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Net appropriations	\$87,911

For the University of New Hampshire \$584,431.10 as follows: Maintenance fund, \$548,431.10 (as provided by section 18, chapter 180 of the Public Laws); for extension work under the Smith-Lever Act, \$36,000. Section 23, chapter 180 of the Public Laws is hereby suspended for the fiscal year ending June 30, 1938.

For state board of education as follows:

Salaries	\$38,566.66
Current expenses	15,720
Vocational education	6,550
Vocational rehabilitation	5,335.67
State aid, equalization	350,000
Superintendents' salaries	100,000
Conferences	1,300
Normal schools, operation and maintenance ..	153,000
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Total requirements	\$670,472.33
Less revenue credited to de-	
partment, per capita tax	\$161,500
Literary fund	43,000
Unorganized places	8,000
Rebate (\$3.50 tax)	9,000

Balance equalization fund ..	10,399.58	231,899.58
Net appropriation		\$438,572.75

In addition to the above appropriation said department shall receive for disbursement the income of the normal school dormitories and practice schools and the sums paid by school districts for the salaries of superintendents under section 40, chapter 117 of the Public Laws. In this department any balance, excepting the equalization fund, which may be unexpended in any fiscal year, shall be placed in a special fund available for use for maintenance purposes the following year by and with the consent of the governor and council.

For board of health as follows:

Salary of secretary	\$4,000
Clerical expense	1,800
Other current expenses	3,460
Vital statistics:	
Salaries	4,000
Other expenses	730
Public health nursing:	
Salaries	12,575
Other expenses	5,050
Control venereal diseases:	
Salaries	7,470
Other current expenses	1,430
Purchase of antitoxin	825
Maternity and infancy:	
Nurses and clerical salaries	1,950
Other current expenses	870
Sanitation:	
Salaries	7,000
Other expenses	3,110
Laboratory of hygiene:	
Salaries	15,000
Other current expenses	5,020
Crippled children:	
Salaries	3,350
Current expenses	7,650
Total	\$85,290

For welfare and relief, including care of tubercular patients; child welfare; register of the blind; deaf, dumb and blind; John Nesmith fund; Veterans' service officer; Mothers' aid\$286,707

For bank commissioner's department as follows:

Salary of commissioner	\$5,000
Salaries of deputy commissioners	6,000
Clerical expense	20,175
Other current expenses	13,868

Total requirements	\$45,043
Less revenue	2,000

Net appropriation \$43,043

For state planning and development commission as follows:

Planning division:

Salary of director	\$4,000
Clerical expense	14,898
Other current expenses	5,130

Total requirements	\$24,028
Less revenue	500

Net appropriation \$23,528

Development division:

Salary of director	\$4,000
Clerical expense	9,715
Other current expenses	46,317.50
Division of industrial promotion	5,000
Tourists' service	4,000

*Special appropriation for six regional associations	15,000
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Total requirements	\$84,032.50
Less revenue	1,250

Net appropriation \$82,782.50

*This appropriation shall be administered by the state planning and development commission for the aid of regional development

associations. Not more than \$2,500 may be allotted by the commission to any one of six regional associations whose bounds, form of organization and program shall first have been approved by the commission. Any unexpended portion of this appropriation shall lapse and shall not be transferred to any other state appropriation.

For land use board:

Current expenses	\$500
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For public library commission as follows:

Salary of secretary	\$2,000
Salary of assistant secretary	1,800
Clerical expense	4,700
Other current expenses	1,700
Traveling libraries	1,775
Field work	1,230
State aid	1,000
Institutes	500

Total	\$14,705
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For public service commission as follows:

Salaries of three commissioners	\$15,000
Engineers, legal fees, experts and clerical service	42,035
Other current expenses	26,005
Refunds	15

Total requirements	\$83,055
Less revenue	17,475

Net appropriation	\$65,580
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For state tax commission as follows:

Salaries of three commissioners	\$10,000
Clerical expense	8,300
Other current expenses	7,625
Municipal accounting:	
Salary of accountant	1,800

Clerical expense	8,125
Other current expenses	4,550
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Total	\$40,400
For pharmacy commission	\$3,000
For dental board	\$350
For board of optometry	\$778
For board of chiropractic examiners	\$600
For registration of veterinary surgeons	\$100
For cancer commission:	
Professional services and clerical	
expense	\$12,700
Other expenses	22,300
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	\$35,000
For arts and crafts commission	\$10,000
For New Hampshire Historical Society	\$500
For military organizations	\$200
For veterans' committal allowance	\$300
For firemen's relief	\$4,000
For Granite State Deaf Mute Mission	\$150
For Prisoners' Aid Association	\$600
For Old Home Week Association	\$300
For G. A. R. department	\$650

2. **Takes Effect.** This act shall take effect as of July 1, 1937.

[Approved July 14, 1937.]

CHAPTER 167.

AN ACT MAKING APPROPRIATION FOR THE EXPENSES OF THE
STATE OF NEW HAMPSHIRE FOR THE YEAR ENDING
JUNE 30, 1939.

SECTION	SECTION
1. Appropriations.	2. Takes effect.

*Be it enacted by the Senate and House of Representatives in
General Court convened:*

1. **Appropriations.** The sums hereinafter mentioned are appropriated to be paid out of the treasury of the state for the

purposes specified for the fiscal year ending June 30, 1939, to wit:

A continuing appropriation which shall not lapse, shall not be transferred to any other department, institution or account and shall be for the expenses of the legislature only\$135,000

For the executive department as follows:

For the six months period ending December 31, 1938:

Salary of governor	\$2,500
Salary of governor's secretary	1,500
Clerical expense	2,750
Other current expenses	1,700

For the six months period ending June 30, 1939:

Salary of governor	2,500
Salary of governor's secretary	1,500
Clerical expense	2,750
Other current expenses	3,100

For the fiscal year:

Council, per diem and expenses	6,750
Contingent fund	5,000
Emergency fund for protection of interests of the state	40,000

Total	\$70,050
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For judicial department as follows:

Salaries of supreme court justices	\$35,000
Clerical expense of supreme court	4,650
Other expenses of supreme court	6,150
Examination of law students	500
Salaries of superior court justices	42,000
Other expenses of superior court	8,000
Salaries of probate court judges	17,600
Salaries of probate court registers and deputies	20,300

Total	\$134,200
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For adjutant-general's department as follows:

Salary of adjutant-general	\$4,000
Clerical expense	3,000

Other current expenses	1,115
Salaries national guard	34,000
Expenses national guard	15,650
Special appropriation contingent upon organi- zation of additional battalion for the 172nd Field Artillery	5,160
Armories:	
Maintenance	25,350
Rifle ranges	960
Officers' uniform allowances	2,500
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Total	\$91,735
For department of agriculture as follows:	
Salary of commissioner	\$3,500
Salary of deputy	2,750
Clerical expense	3,865
Other current expenses	2,252
Institutes and public meetings	1,060
Granite State Dairymen's Association	500
New Hampshire Horticultural Society	1,000
New Hampshire Sheep Breeders' Association	250
Nursery inspection	720
Feeding stuffs inspection	4,980
Fertilizer inspection	1,864
Agricultural seed inspection	945
Insecticides and fungicides	200
Apiary law	293
Insect suppression:	
Salary of deputy	1,600
Salaries of other assistants	6,921
Other current expenses	1,775
Dairy inspection:	
Salary of inspector	2,400
Other expenses	925
Licensing milk dealers	380
Egg inspection:	
Salary of inspector	1,600
Other expenses	1,650
Bureau of markets:	
Clerical expenses	3,012
Other expenses	855

Crop reporting service	1,000
Printing and mailing bulletins	5,000
Labeling service	800
Apple grading	890
Division of animal industry:	
Salary of state veterinarian	3,500
Salaries of assistants	9,626
Other current expenses	3,637
Equipment	1,000
Other expenditures:	
Bovine disease indemnities	
July 1, 1938, to December 31, 1938...	32,000
January 1, 1939, to June 30, 1939	32,000
Pullorum disease	15,000
Veterinarian services	57,660
Expenses of veterinarians	2,850
Aid for agricultural fairs	3,500
Maintenance New Hampshire State Building, Springfield	1,000

Total\$214,760

For attorney-general's department as follows:

Salary of attorney-general	\$4,000
Salary of assistant attorney-general	4,000
Clerical expenses:	
Salary of law clerk	\$1,800
Salary of chief clerk	1,900
Salary of research clerk	1,800
Other clerical expenses	4,300
	<hr/> 9,800
Other current expenses	4,180
Fees to registers of probate	3,000
Legacy tax expenses	600

Total \$25,580

For comptroller's department as follows:

Salary of comptroller	\$5,000
Salary of assistant comptroller	3,000
Clerical expense	12,550

Additional clerk, half time	465
Other current expenses	3,150

Total \$24,165

For department of forestry and recreation as follows:

Salary of state forester	\$3,500
Salary of assistant state forester	2,500
Clerical expense	6,700
Other current expenses	4,125

State nursery:

Salaries	4,650
Other expenses	1,945
Reforestation	1,480

Forest fire work:

District chiefs	6,345
Lookout stations	10,000
Prevention of fires	2,450
Forest fire bills to towns	7,500

White pine blister rust eradication 5,253

Recreational development and maintenance:

Salary of supervisor	1,700
Seasonal personnel	11,450
Other expenses	3,850

Co-operation federal emergency program 4,100

Total requirements \$77,548

Less revenue 3,850

Net appropriation \$73,698

For insurance department as follows:

Salary of commissioner	\$5,000
Salary of deputy commissioner	1,800
Clerical expense	6,500
Other current expenses	4,005

Total \$17,305

For bureau of labor as follows:

Office of commissioner:

Salary of commissioner	\$3,000
Clerical expense	5,000
Other current expenses	3,450

Factory inspection	10,800
Minimum wage division:	
Salary of administrator	2,200
Investigators and clerical services	8,386
Other current expenses	6,000
Interstate compacts	500
Employment services:	
Managers and clerical	11,200
Other current expenses	3,800

Total \$54,336

For state library as follows:

Salary of librarian	\$2,500
Salary of assistant to librarian	1,250
Salary of cataloguer	1,800
Other assistants	6,506
Other current expenses	12,675

Total \$24,731

For purchasing agent's department as follows:

Salary of purchasing agent	\$4,000
Salary of assistant purchasing agent	2,700
Clerical expense	5,950
Other current expenses	2,300

Total \$14,950

For state house department as follows:

Salary of superintendent	\$2,000
Other salaries	30,045
Other current expenses	42,490
Special equipment and repairs	1,000

\$75,535

Deductions:

Revenue from state library.....	\$3,810
Revenue from state highway de- partment to be a charge upon highway funds	4,113

7,923

Total \$67,612

For state department as follows:

Salary of secretary	\$4,000
Salary of deputy secretary	2,700
Clerical expenses	7,525
Other current expenses	2,550
Direct primary	6,975
Australian ballot	5,405
Copying ancient records	2,565
Franklin Pierce birthplace	437.95
Daniel Webster birthplace	790
State and provincial records	3,740
Total	<hr/> \$36,687.95

For treasury department as follows:

Salary of treasurer	\$4,000
Salary of deputy treasurer	2,700
Clerical expenses	11,667.50
Other current expenses	6,270
Capital outlays for rights and obligations:	
Teachers' Institutes	2,388.93
Benjamin Thompson fund	31,887.27
Agricultural college fund	4,800
Hamilton Smith fund	400
Kimball legacy	270.14
Fiske legacy	1,055.14
Awards and indemnities	7,000
Burial of soldiers and sailors	8,500
Total	<hr/> \$80,938.98

For department of weights and measures as follows:

Salary of commissioner	\$3,000
Other salaries, including a fourth inspector ..	9,150
Other current expenses	6,075
Total	<hr/> \$18,225

For Industrial School as follows:

Salary of superintendent	\$4,000
Clerical expenses	4,360
Other current expenses	1,895

Instruction:

Instructors' salaries 4,500

Instructors' expenses 800

Custodial care:

Salaries 19,220

Other expenses 17,600

Auxiliary to custodial care 350

Operation of plant:

Salaries 1,140

Other expenses 13,325

Maintenance of plant:

Salaries 4,539

Other expenses 3,200

Agriculture:

Salaries 4,600

Other expenses 7,350

Parole service 4,284

 Total \$91,163

For Laconia State School as follows:

Salary of superintendent \$4,000

Clerical expenses 7,960

Other current expenses 2,668

Professional care and treatment:

Salaries 36,950

Other expenses 3,497

Custodial care:

Salaries 11,400

Other expenses 46,897

Operation of plant:

Salaries 4,550

Other expenses 22,200

Maintenance of plant:

Salaries 6,500

Other expenses 7,025

Agriculture:

Salaries 20,040

Other expenses 18,315

Maintenance and operation of new infirmary including professional treatment and custo- dial care	18,000
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Total	\$210,002
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For soldiers' home as follows:

Salary of commandant	\$1,800
Clerical expenses	245
Other current expenses	455

Custodial care:

Salaries	4,800
Other expenses	8,200

Professional care and treatment:

Salaries	3,000
Other expenses	1,000

Operation of plant:

Salaries	1,400
Other expenses	5,100

Maintenance of plant:

Salaries	35
Other expenses	3,965

Agriculture:

Salaries	1,000
Other expenses	1,000

Total	\$32,000
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For New Hampshire State Hospital as follows:

Administration	\$38,654
Professional care and treatment	254,113.46
Custodial care	294,043.40
Operation of plant	113,832.50
Maintenance of plant	63,492.94
Agriculture	43,892
Resurfacing driveway	1,250

Total requirements	\$809,278.30
Less revenues	8,000

Net appropriation	\$801,278.30
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For State Prison as follows:

Salary of warden	\$3,250
Clerical expense	2,950
Other current expenses	1,550
Instruction	2,040
Custodial care:	
Salaries	39,345
Other expenses	50,050
Auxiliary to prison care and custody	7,150
Operation of plant:	
Salaries	2,925
Expenses	8,530
Maintenance of plant:	
Expenses	2,000
Agriculture:	
Expenses	400
Parole service	6,390

Total\$126,580

For New Hampshire State Sanatorium as follows:

Salary of superintendent	\$4,000
Clerical expense	1,240
Other current expenses	1,520
Professional care and treatment:	
Salaries	15,670
Other expenses	4,100
Custodial care:	
Salaries	8,545
Other expenses	24,310
Operation of plant:	
Salaries	7,665
Other expenses	9,521
Maintenance of plant:	
Salaries	1,100
Other expenses	2,005
Agriculture:	
Salaries	3,075
Other expenses	2,750

Total requirements\$85,501

Less revenue700

Net appropriations\$84,801

For the University of New Hampshire \$584,431.10 as follows: Maintenance fund, \$548,431.10 (as provided by section 18, chapter 180 of the Public Laws); for extension work under the Smith-Lever Act, \$36,000. Section 23, chapter 180 of the Public Laws is hereby suspended for the fiscal year ending June 30, 1939.

For state board of education as follows:

Salaries	\$39,216.66
Current expenses	16,120
Vocational education	6,575
Vocational rehabilitation	5,362.34
State aid, equalization	350,000
Superintendents' salaries	100,000
Conferences	1,300
Normal schools, operation and maintenance ..	153,000

Total requirements	\$671,574
Less revenue credited to department	
Literary fund	\$43,000
Per capita tax	161,500
Unorganized places	8,000
Rebate (\$3.50 tax)	9,000
Unexpended equalization fund	
balance	10,399.58
	<hr/>
	231,899.58

Net appropriation\$439,674.42

In addition to the above appropriation said department shall receive for disbursement the income of the normal school dormitories and practice schools and the sums paid by school districts for the salaries of superintendents under section 40, chapter 117 of the Public Laws. In this department any balance, excepting the equalization fund, which may be unexpended in any fiscal year, shall be placed in a special fund available for use for maintenance purposes the following year by and with the consent of the governor and council.

For board of health as follows:

Salary of secretary	\$4,000
Clerical expense	1,800
Other current expenses	3,660

Vital statistics:

Salaries	4,510
Other expenses	740

Public health nursing:

Salaries	12,600
Other expenses	5,050

Control venereal diseases:

Salaries	7,470
Other current expenses	1,430

Purchase of antitoxin

825

Maternity and infancy:

Nurses and clerical salaries	2,000
Other current expenses	870

Sanitation:

Salaries	7,000
Other expenses	3,110

Laboratory of hygiene:

Salaries	15,100
Other current expenses	4,920

Services for crippled children:

Salaries	3,500
Other expenses	7,500

Total \$85,725

For welfare and relief, including care of tubercular patients; child welfare; register of the blind; deaf, dumb and blind; John Nesmith fund; Veterans' service officer; Mothers' aid \$287,310*

For bank commissioner's department as follows:

Salary of commissioner	\$5,000
Salaries of deputy commissioners	6,000
Clerical expense	20,325
Other current expenses	13,363

Total requirements \$44,688

Less revenue 2,000

Net appropriations \$42,688

*Amended, chapter 202, *post*.

For state planning and development commission as follows:

Planning division:

Salary of director	\$4,000
Clerical expense	15,048
Other current expenses	5,866

Total requirements	\$24,914
Less revenue	500

Net appropriations \$24,414

Development division:

Salary of director	4,000
Clerical expense	9,965
Other current expenses	46,317.50
Tourists' service	4,000
Division of industrial promotion	5,000
*Special appropriation for six regional associations	15,000

Total requirements	\$84,282.50
Less revenue	1,250

Net appropriations \$83,032.50

*This appropriation shall be administered by the state planning and development commission for the aid of regional development associations. Not more than \$2,500 may be allotted by the commission to any one of six regional associations whose bounds, form of organization and program shall first have been approved by the commission. Any unexpended portion of this appropriation shall lapse and shall not be transferred to any other state appropriation.

For land use board:

Current expenses	\$500
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For public library commission as follows:

Salary of secretary	\$2,000
Salary of assistant secretary	1,800

Clerical expense	4,850
Other current expenses	1,450
Traveling libraries	1,775
Field work	1,230
State aid	1,000
Institutes	500
<hr/>	
Total	\$14,605
For public service commission as follows:	
Salaries of three commissioners	\$15,000
Engineers, legal fees, experts and clerical service	42,585
Other current expenses	26,355
Refunds	15
<hr/>	
Total requirements	\$83,955
Less revenues	16,860
<hr/>	
Net appropriations	\$67,095
For state tax commission as follows:	
Salaries of three commissioners	\$10,000
Clerical expense	8,350
Other current expenses	6,950
Municipal accounting:	
Salary of accountant	1,800
Clerical expense	8,225
Other current expenses	4,375
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Total	\$39,700
For pharmacy commission	\$3,000
For dental board	\$350
For board of optometry	\$743
For board of chiropractic examiners	\$600
For registration of veterinary surgeons	\$100
For cancer commission:	
Professional service and clerical expense	\$12,700
Other expenses	22,300
<hr/>	
	\$35,000

For arts and crafts commission	\$10,000
For New Hampshire Historical Society	\$500
For military organizations	\$200
For veterans' committal allowance	\$300
For firemen's relief	\$4,000
For Granite State Deaf Mute Mission	\$150
For Prisoners' Aid Association	\$600
For Old Home Week Association	\$300
For G. A. R. department	\$650
For New Hampshire water resources board as follows:	
Salary, chairman	\$4,000
Other salaries	13,560
Current expenses	9,149.52
<hr/>	
Total	\$26,709.52

2. **Takes Effect.** This act shall take effect July 1, 1938.
[Approved July 20, 1937.]

CHAPTER 168.

AN ACT RELATING TO THE LOBSTER INDUSTRY.

SECTION	SECTION
1. Taking of lobsters.	2. Takes effect.

Be it enacted by the Senate and House of Representatives in General Court convened:

1. **Taking of Lobsters.** Amend chapter 201 of the Public Laws, as inserted by section 5, chapter 124, Laws of 1935, by striking out sections 30 to 33, inclusive, and inserting in place thereof the following new sections:

30. **License.** No person shall at any time place, set, keep, maintain, supervise, lift, raise or draw in, from any waters under the jurisdiction of this state, any pot, trap, warp, or any other device used in taking lobsters without first procuring a special license so to do; nor during the time from sunset to one hour before sunrise. Such license shall be issued by the director, under such rules and regulations and in such form as may be prescribed by him, upon the payment of five dollars.

31. **Revocation; Suspension.** Persons convicted for viola-

tion of the law pertaining to taking lobsters shall forfeit their license for one year. If an appeal is taken the license shall be suspended pending the disposition of said case and for one year thereafter from date of conviction by the higher court. Any person whose license has been revoked or suspended shall not accompany any licensed lobster fisherman or assist him in any way while he is engaged in catching lobsters.

32. Who May Take Lobsters. No person shall take lobsters from the waters of New Hampshire unless he is a *bona fide* resident of the state, and no license shall be issued to a person unless he shall furnish proof that he has resided within the state for at least five years preceding his application for a license. The provisions of this section shall not apply to persons who were licensed to take lobsters for the year 1936.

33. Distinctive Mark. Any person taking any female lobster carrying spawn shall immediately mark said lobster with a distinctive mark and return said lobster to the water. The director shall furnish to any person requesting the same a punch for the purpose of making such distinctive mark.

33-a. Prohibition. No person shall remove spawn from any female lobster and no person shall take, serve, have in his possession, except as provided in the preceding section, sell, or offer for sale any female lobster carrying spawn or female lobster bearing the distinctive mark as provided in the preceding section.

33-b. Legal Length. No person shall buy, sell, give away or expose for sale, or possess for any purpose, any lobster of a length less than three and one-sixteenth of an inch in length alive or dead, cooked or uncooked, measured from the rear of the eye-socket along a line parallel to the center line of the body shell to the rear end of the body shell. The possession of mutilated lobster cooked or uncooked shall be *prima facie* evidence that it is not of legal length. Whoever ships, transports, carries, buys, gives away, sells or exposes for sale lobster meat after the same shall have been taken from the shell without the tail meat being whole and intact, and of a length of less than four and one-quarter inches when laid out straight and measured from end to end, not including the small part that is on the body end of the tail meat, shall be liable to the penalty imposed for violation of this section.

33-c. Interference with Lobster Pots. No person shall take

up or in any way interfere with a lobster pot, nor take, remove or carry away from the beach or shore any lobster net, or warp or buoy thereof, without the authority of the owner thereof. In addition to the penalty for violation of this section said person, if he holds a license to take lobster shall lose said license for one year.

33-d. Marking Pots and Traps. No person licensed for the purpose of taking lobsters shall use any pots, traps, used for the taking or keeping of lobster, unless the same are plainly marked with his name or with the name of the owner thereof. Any pots, traps, cars, or contrivance used to catch or store lobster, except boats, in violation of the provisions hereof may be seized and held until the fine and costs imposed for the violation have been paid in full.

33-e. Reports. All lobster fishermen shall within ten days after the first day of January in each year file with the director a report of the number of pounds of lobster taken by him during the previous year together with a record of the number of boats, pots, traps or other paraphernalia used in the taking thereof and the value of the same. The director shall furnish blanks for said report.

33-f. Conservation Officer. All conservation officers must be in uniform while on lobster patrol.

33-g. License for Selling. No person except hotels and restaurants serving cooked lobster to guests for immediate consumption as food shall sell lobster meat without first procuring a license. The director shall issue such licenses for a period of one year and the annual fee therefor shall be two dollars (\$2.00).

33-h. Prohibition. If a conservation officer shall find a person taking lobsters and shall inform him that the boat, trap, warp or other device used for such taking is to be inspected, it shall be unlawful for such person to throw overboard or destroy any bag, box or other receptacle prior to such inspection by such officer. If any person shall violate a provision of this section his license, after hearing, shall be suspended for such time as the director may determine.

33-i. Penalties. A person who violates a provision of the preceding sections shall be fined as follows: For each violation of sections 30 to 33-a, inclusive, 33-c, 33-d, 33-e, 33-g not more than fifty dollars; of section 33-b not more than five

dollars and not more than five dollars additional for each lobster taken or possessed in violation thereof.

2. Takes Effect. The provisions of sections 30 and 33-g, as hereinbefore inserted, shall take effect on January 1, 1938, and the provisions of the remainder of this act shall take effect upon its passage.

[Approved July 20, 1937.]

CHAPTER 169.

AN ACT RELATING TO SUITS BY MINORS.

SECTION

1. Suits by minors.

SECTION

2. Takes effect.

Be it enacted by the Senate and House of Representatives in General Court convened:

1. Suits by Minors. Amend section 1 of chapter 41 of the Laws of 1937 by striking out said section and substituting therefor the following: **1. Approval of Court Required.** No settlement, the amount of which exceeds seven hundred and fifty dollars, of any suit brought in behalf of an infant by parent or next friend shall be valid unless approved by the court in which the action is pending or to which the writ is returnable. The court may make all necessary orders for protecting the interests of the infant, and may require the guardian *ad litem*, parent or next friend, to give bond to truly account for all money received in behalf of the infant.

2. Takes Effect. This act shall take effect on its passage.

[Approved July 20, 1937.]

CHAPTER 170.*

AN ACT RELATING TO TAKING BROOK TROUT IN CERTAIN BROOKS
IN THE TOWN OF ERROL AND IN MARTIN MEADOW
POND IN LANCASTER.

SECTION

1. Brook trout.
2. Amendment.
3. Smoky camp brook.

SECTION

4. Open season.
5. Takes effect.

Be it enacted by the Senate and House of Representatives in General Court convened:

1. Brooks in Errol. Amend paragraph I of section 2 of chapter 155 of the Laws of 1935, as inserted by an act approved June 30, 1937, by striking out the words "Jackknife Hill brook in Errol" so that said paragraph as amended shall read as follows: I. Ferrin pond in Weare, Gustin pond in Marlow, Hall ponds in Sandwich and Lily pond in Gilford.

2. Amendment. Amend paragraph II of section 2 of chapter 155 of the Laws of 1935, as inserted by an act approved June 30, 1937, by striking out the words "Martin Meadow pond in Lancaster, Millsfield pond brook in Millsfield and Errol" so that said paragraph as amended shall read as follows: II. Long pond in Benton, Lucas pond in Northwood, Mount William pond in Weare, Nippo pond in Barrington.†

3. Amendment. Amend paragraph IV of section 2 of chapter 155 of the Laws of 1935, as inserted by an act approved June 30, 1937, by striking out the words "Smoky Camp brook in Errol" so that said paragraph as amended shall read as follows: IV. Saltmarsh pond in Gilford, Shawtown pond in Freedom, Spectacle pond in Groton and Hebron, Sand pond in Marlow and Stratford Bog in Stratford.

4. Open Season. Amend chapter 155 of the Laws of 1935 by inserting after section 3 the following new section: **3-a. Brook Trout in Certain Brooks.** Brook trout not less than six inches in length may be taken and possessed from June first to September first, from the following waters: Jackknife Hill brook in Errol, Millsfield pond brook in Millsfield and Errol and Smoky Camp brook in Errol.

5. Takes Effect. This act shall take effect upon its passage.

[Approved July 20, 1937.]

* Chapter 144, *ante*.

† Amended, chapter 188, *post*.

CHAPTER 171.

AN ACT RELATING TO NON-RESIDENT CIRCUS MOTOR VEHICLES.

SECTION	SECTION
1. Circus trucks.	2. Takes effect.

Be it enacted by the Senate and House of Representatives in General Court convened:

1. Circus Trucks. Amend section 31-a of chapter 100 of the Public Laws as inserted by chapter 170 of the Laws of 1933 by striking out the word "seven" in the fourth line and inserting in place thereof the word, twenty, so that said section as amended shall read as follows: **31-a. Permits.** The commissioner may, in his discretion, permit motor vehicles or trucks owned by non-residents, used solely for the operation of a circus, to be operated upon the ways of this state for a specified period of not more than twenty days upon the payment of the fees provided for in paragraph X, section 1, chapter 102 of the Public Laws. Not more than one such permit shall be granted to any one person during a calendar year. Said commissioner may make such rules and regulations relative to such permits as he may deem necessary.

2. Takes Effect. This act shall take effect upon its passage.

[Approved July 20, 1937.]

CHAPTER 172.

AN ACT RELATING TO A STATE HOUSE ANNEX BUILDING IN THE CITY OF CONCORD.

SECTION	SECTION
1. Appropriation.	5. Short-term notes.
2. Expenditure.	6. Sinking fund.
3. General powers.	7. Takes effect.
4. Bonds authorized.	

Be it enacted by the Senate and House of Representatives in General Court convened:

1. Appropriation. The sum of six hundred thousand dollars (\$600,000), or so much thereof as may be necessary, is hereby appropriated to be expended, together with such sums as may be received by way of grant from the federal government or any agency thereof, by the governor and council as

they may determine to be for the best interests of the state in the fulfillment of the purposes herein set forth.

2. Expenditure. Such sums shall be expended by the governor and council for the construction, extension and equipment of a state house annex in the city of Concord, including, without limiting the generality of the foregoing, the acquisition by gift, purchase, the exercise of the right of eminent domain or otherwise, of such real property, rights and easements therein as are deemed to be necessary therefor; and for all things necessary or incidental to the foregoing. Said building shall be of first class construction, employing granite facing in at least three of the exterior walls, and be of a type, design and size to harmonize with the state house and other public buildings in the vicinity, and shall include a central heating plant.

3. General Powers. The governor and council are hereby authorized to enter into such agreements as may be necessary, proper or advisable for the accomplishment of the purposes of this act and are further empowered to co-operate with and make such agreements with the federal government, or any agency thereof, as may be deemed advisable or necessary to secure federal funds. The governor with the advice and consent of the council shall appoint a building committee of three members, to serve as an advisory body to the governor and council relative to the selection of plans, site and construction of said building.

4. Bonds Authorized. In order to supply the funds herein appropriated the treasurer, under the direction of the governor and council, is hereby authorized to borrow upon the faith and credit of the state a sum not exceeding six hundred thousand dollars (\$600,000), and for that purpose the governor and council shall by resolution provide, at one time or from time to time, for the issuance of bonds or notes. By resolution they may determine concerning such bonds or notes, the (1) manner of execution; (2) form and denomination; (3) maturity dates; (4) interest rates; (5) redemption prior to maturity and the premium payable therefor; (6) place or places for the payment of interest and principal; (7) registration, if such be desirable; (8) replacement if lost, destroyed, or mutilated; (9) manner of sale and price thereof; (10) issuance in series and for the respective priorities; (11) other desirable provisions.

In case any of the officers whose signatures appear on the

notes, bonds, or coupons shall cease to be such officers before the delivery of such notes or bonds, such signatures shall nevertheless be valid and sufficient for all such purposes the same as if such officers had remained in office until such delivery. The proceeds from the sale of such bonds and notes shall be held by the treasurer and paid out by him upon warrant drawn by the governor with the advice and consent of the council for the purposes of this act.

5. Short-Term Notes. Prior to the issuance of the bonds hereunder, the treasurer, under the direction of the governor and council, shall for the purpose hereof borrow money from time to time on short-term notes, to be refunded by the issuance of such bonds.

6. Sinking Fund. The state treasurer shall, during the life of any notes or bonds issued hereunder, establish and keep a separate account to be known as the State House Annex Sinking Fund Account, into which shall be paid, on direction of and in amounts fixed and determined by the governor and council, moneys heretofore or hereafter appropriated for rental of quarters outside of the state house, together with such other amounts as the governor and council may determine to be proper and reasonable charges against departmental appropriations for space occupied in said building. There shall also be paid into said fund any premium received in connection with the sale of said bonds. In each fiscal year after the issuance of bonds or notes hereunder, the amount so paid into said fund shall be not less than one twenty-fifth of the principal amount of bonds issued hereunder, plus interest requirements. The funds in said account shall be applied to the payment of the interest and principal of the said bonds and notes issued for the construction of said state house annex and costs incident to said bond or note issue.

7. Takes Effect. This act shall take effect upon its passage.

[Approved July 21, 1937.]

CHAPTER 173.

AN ACT TO MAKE UNIFORM THE TRANSFER OF STOCK.

SECTION

1. New subdivision.
 51. Law applicable.
 52. Interpretation.
 53. Definitions.
 - 53-a. Transfer of title.
 - 53-b. Limitation.
 - 53-c. Construction.
 - 53-d. Transfer under power of attorney.
 - 53-e. Effect of delivery of certificate.
 - 53-f. Endorsement.
 - 53-g. Certificate may be reclaimed.
 - 53-h. Possession of certificate.
 - 53-i. Delivery without endorsement.

SECTION

- 53-j. Promise to transfer.
- 53-k. Warranties by transfer.
- 53-l. Certificates held as security.
- 53-m. Issue of new certificate.
- 53-n. Restrictions stated on certificate.
- 53-o. Alteration of certificate.
- 53-p. Court order for new certificate.
- 53-q. Certificate deemed endorsed.
- 53-r. Person deemed owner.
- 53-s. Installments unpaid.
- 53-t. Who entitled to new certificate.
2. Takes effect.

Be it enacted by the Senate and House of Representatives in General Court convened:

1. Business Corporations. Amend chapter 225 of the Public Laws by striking out the subdivision relating to transfer of stock, being sections 51 to 53 inclusive, and inserting in place thereof the following new subdivision:

Transfer of Stock

51. Law Applicable. In any case not provided for by this subdivision the rules of law and equity, including the law merchant, and in particular the rules relating to the law of principal and agent, executors, administrators and trustees, and to the effect of fraud, misrepresentation, duress or coercion, mistake, bankruptcy, or other invalidating cause, shall govern.

52. Interpretation. This subdivision shall be interpreted and construed in such manner as to effectuate their general purpose to make uniform the law of the states which enact the uniform stock transfer act.

53. Definitions. In this subdivision, unless the context or subject matter otherwise requires, the following words shall have the following meanings:

- I. "Certificate," a certificate of stock in a corporation

organized under the laws of this state or of another state whose laws are consistent with this subdivision.

II. "Delivery," voluntary transfer of possession from one person to another.

III. "Person," includes a corporation or partnership or two or more persons having a joint or common interest.

IV. "Purchase," includes to take as mortgagee or as pledgee.

V. "Purchaser," includes mortgagee and pledgee.

VI. "Shares," a share or shares of stock in a corporation organized under the laws of this state or of another state whose laws are consistent with this subdivision.

VII. "State," includes state, territory, district and insular possession of the United States.

VIII. "Transfer," transfer of legal title.

IX. "Title," legal title, not including a merely equitable or beneficial ownership or interest.

X. "Value," any consideration sufficient to support a simple contract. An antecedent of pre-existing obligation, whether for money or not, constitutes value if a certificate is taken either in satisfaction thereof or as security therefor.

XI. A thing is done in "good faith" within the meaning of this subdivision when it is in fact done honestly, whether it be done negligently or not.

53-a. Transfer of Title. Title to a certificate and to the shares represented thereby shall be transferred only (a) by delivery of the certificate endorsed either in blank or to a specified person by the person appearing by the certificate to be the owner of the shares represented thereby; or (b) by delivery of the certificate and a separate document containing a written assignment of the certificate or a power of attorney to sell, assign or transfer the same or the shares represented thereby, signed by the person appearing by the certificate to be the owner of the shares represented thereby. Such assignment or power of attorney may be either in blank or to a specified person. This section shall be applicable although the charter or articles of organization or code of regulations or by-laws of the corporation issuing the certificate, and the certificate itself, provide that the shares represented thereby shall be transferable only on the books of the corporation or shall be registered by a registrar or transferred by a transfer agent.

53-b. Limitation. This subdivision shall not be construed as enlarging the powers of an infant or other person lacking full legal capacity, or of a trustee, executor or administrator, or other fiduciary, to make a valid endorsement, assignment or power of attorney.

53-c. Construction. This subdivision shall not be construed as forbidding a corporation (a) to recognize the exclusive right of a person registered on its books as the owner of shares to receive dividends, and to vote as such owner; or (b) to hold liable for calls and assessments a person registered on its books as the owner of shares.

53-d. Transfer Under Power of Attorney or Assignment. The title of a transferee of a certificate under a power of attorney or assignment not written upon the certificate, and the title of any person claiming under such transferee, shall cease and determine if, at any time prior to the surrender of the certificate to the corporation issuing it, another person, for value in good faith, and without notice of the prior transfer, shall purchase and obtain delivery of such certificate with the endorsement of the person appearing by the certificate to be the owner thereof, or shall purchase and obtain delivery of such certificate and the written assignment or power of attorney of such person though contained in a separate document.

53-e. Effect of Delivery of Certificate. The delivery of a certificate to transfer title in accordance with section 53-a shall be effectual, except as provided in section 53-g, though made by one having no right of possession and having no authority from the owner of the certificate or from the person purporting to transfer the title.

53-f. Endorsement of Certificate Effectual. The endorsement of a certificate by the person appearing by the certificate to be the owner of the shares represented thereby shall be effectual, except as provided in the following section, though the endorser or transferor (a) was induced by fraud, duress or mistake to make the endorsement or delivery; or (b) has revoked the delivery of the certificate, or the authority given by the endorsement or delivery of the certificate; or (c) has received no consideration.

53-g. Certificate May be Reclaimed When. If the endorse-

ment or delivery of a certificate (a) was procured by fraud or duress, or (b) was made under such mistake as to make the endorsement or delivery inequitable; or if the delivery of the certificate was made (c) without authority from the owner, or (d) after the owner's death or legal incapacity, the possession of the certificate may be reclaimed and the transfer thereof rescinded, unless (1) the certificate has been transferred to a purchaser for value in good faith without notice of any facts making the transfer wrongful, or (2) the injured person has elected to waive the injury, or has been guilty of laches in endeavoring to enforce his rights. Any court of appropriate jurisdiction may enforce specifically such right to reclaim the possession of the certificate or to rescind the transfer thereof and, pending litigation, may enjoin the further transfer of the certificate, or impound it.

53-h. Possession of Certificate. Although the transfer of a certificate or of shares represented thereby has been rescinded or set aside, nevertheless, if the transferee has possession of the certificate or of a new certificate representing part or the whole of the same shares of stock, a subsequent transfer of such certificate by the transferee, mediately or immediately, to a purchaser for value in good faith, without notice of any facts making the transfer wrongful, shall give such purchaser an indefeasible right to the certificate and the shares represented thereby.

53-i. Delivery of Certificate Without Endorsement. The delivery of a certificate by the person appearing by the certificate to be the owner thereof, without the endorsement requisite for the transfer of the certificate and the shares represented thereby, but with intent to transfer such certificate or shares shall impose an obligation, in the absence of an agreement to the contrary, upon the person so delivering, to complete the transfer by making the necessary endorsement. The transfer shall take effect as of the time when the endorsement is actually made. This obligation may be specifically enforced.

53-j. Promise to Transfer. An attempted transfer of title to a certificate or to the shares represented thereby without delivery of the certificate shall have the effect of a promise to transfer, and the obligation, if any, imposed by such promise

shall be determined by the law governing the formation and performance of contracts.

53-k. Warranties by Transfer. A person who for value transfers a certificate, including one who assigns for value a claim secured by a certificate, unless a contrary intention appears, warrants (a) that the certificate is genuine; (b) that he has a legal right to transfer it; and (c) that he has no knowledge of any fact which would impair the validity of the certificate. In the case of an assignment of a claim secured by a certificate, the liability of the assignor upon such warranty shall not exceed the amount of the claim.

53-l. Certificate Held as Security. A mortgagee, pledgee, or other holder for security of a certificate who in good faith demands or receives payment of the debt for which such certificate is security, whether from a party to a draft drawn for such debt, or from any other person, shall not by so doing be deemed to represent or to warrant the genuineness of such certificate, or the value of the shares represented thereby.

53-m. Issue of New Certificate. Except where a certificate is lost or destroyed, a corporation shall not be compelled to issue a new certificate for the stock until the old certificate is surrendered to it.

53-n. Restrictions to be Stated on Certificate. There shall be no lien in favor of a corporation upon the shares represented by a certificate issued by such corporation, and there shall be no restriction upon the transfer of shares so represented by virtue of any by-laws of such corporation, or otherwise, unless the right of the corporation to such lien or the restriction is stated upon the certificate.

53-o. Alteration of Certificate. The alteration of a certificate, whether fraudulent or not and by whomsoever made, shall not deprive the owner of his title to the certificate and the shares originally represented thereby, and the transfer of such a certificate shall convey to the transferee a good title to such certificate and to the shares originally represented thereby.

53-p. Court Order for Issuance of New Certificate. If a certificate has been lost or destroyed, a court of competent jurisdiction may order the issue of a new certificate therefor on service of process upon the corporation and on reasonable notice by publication, and in any other way which the

court may direct, to all persons interested, and upon satisfactory proof of such loss or destruction and upon the giving of a bond with sufficient surety to be approved by the court to protect the corporation or any persons injured by the issue of the new certificate from any liability or expense, which it or they may incur by reason of the original certificate remaining outstanding. The court may also in its discretion order the payment of the corporation's reasonable costs and counsel fees. The issue of a new certificate under an order of the court as provided in this section, shall not relieve the corporation from liability in damages to a person to whom the original certificate has been or shall be transferred for value without notice of the proceedings or of the issuance of the new certificate.

53-q. Certificate Deemed to be Endorsed. A certificate shall be deemed to be endorsed when an assignment or a power of attorney to sell, assign or transfer the certificate or the shares represented thereby is written on the certificate and signed by the person appearing by the certificate to be the owner of the shares represented thereby, or when the signature of such person is written without more upon the back of the certificate. In either of such cases a certificate shall be deemed to be endorsed though it has not been delivered.

53-r. Person Deemed to be Owner of Certificate. The person to whom a certificate was originally issued shall be deemed to be the person appearing by the certificate to be the owner thereof, and of the shares represented thereby, until and unless he endorses the certificate to another specified person, and thereupon such other specified person shall be deemed to be the person appearing by the certificate to be the owner thereof until and unless he also endorses the certificate to another specified person. Subsequent special endorsements may be made with like effect.

53-s. Installments on Stock Unpaid. Stock shall not be transferred on the books of a corporation if any installments thereon remain overdue and unpaid.

53-t. Who Entitled to New Certificates. A transferee under a transfer described in section 53-a upon delivery of the former certificate to the treasurer of the corporation, shall be entitled to receive a new certificate. A pledgee of stock transferred as collateral security shall be entitled to a new certifi-

cate if the instrument of transfer substantially describes the debt or duty which is intended to be secured thereby. Such new certificate shall express on its face that it is held as collateral security, and the name of the pledgor shall be stated thereon, who alone shall be liable as a stockholder, and entitled to vote thereon.

2. Takes Effect. This act shall take effect upon its passage.

[Approved July 27, 1937.]

CHAPTER 174.

AN ACT TO PROVIDE FOR THE CONSTRUCTION AND EQUIPMENT OF AN ARMORY IN THE CITY OF MANCHESTER.

SECTION

1. Appropriation.
2. Bonds authorized.
3. Federal aid.

SECTION

4. Convention hall.
5. Takes effect.

*Be it enacted by the Senate and House of Representatives in
General Court convened:*

1. Appropriation. The sum of four hundred thousand dollars (\$400,000) is hereby appropriated for the purpose of constructing and equipping an armory in the city of Manchester, for the use of the national guard located in said city, provided that the said city deed to the state of New Hampshire a suitable site therefor. The governor, one member of the council, to be named by the governor, and the adjutant-general are hereby authorized to approve said site and make all necessary contracts for plans of construction for the completion and equipment of said armory and the said sum appropriated shall be expended under their direction.

2. Bonds Authorized. The governor, with the advice and consent of the council, is hereby authorized to draw his warrant on any money in the treasury not otherwise appropriated, and the state treasurer is hereby authorized, under the direction of the governor and council, to borrow, upon the credit of the state, such further sums or the whole, not exceeding in all four hundred thousand dollars, as may be necessary to carry out the provisions of this act and for that purpose may issue bonds, or notes, in the name of, and on behalf of, the state, at

the lowest rate of interest obtainable, in such form and in such denominations and at such time or times as the governor and council may determine. Such bonds shall be designated Manchester New Hampshire Armory Bonds and shall be signed by the treasurer and countersigned by the governor and shall be deemed a pledge of the faith and credit of the state. The secretary of state shall keep an account of all such bonds and notes countersigned by the governor, showing the number and amount of each bond or note, the time of countersigning, the time when payable, and the date of delivery to the state treasurer. The treasurer shall keep an account of each bond and note, showing the number thereof, the name of the person to whom sold, the amount received for the same, the date of sale and the time when payable. The treasurer may negotiate and sell such bonds or notes by direction of the governor and council, in such manner as they may determine to be most advantageous to the state. The governor shall draw his warrant on the state treasurer for the amounts that may be or become due from time to time under the contracts. From the proceeds of the sale of bonds herein authorized the state treasurer shall reimburse the general funds of the state for any moneys drawn therefrom for the purposes of this act.

3. Federal Aid. Such funds as may be made available by the government of the United States or any agency thereof shall be used to aid in the construction of the said armory and the equipment thereof.

4. Convention Hall. The said armory shall be constructed and equipped in such manner that the same may be available as a convention hall, if such construction is found advisable by the governor and council, with the advice of the adjutant-general.

5. Takes Effect. This act shall take effect upon its passage.

[Approved July 28, 1937.]

CHAPTER 175.

AN ACT RELATING TO EXEMPTIONS FROM TAXATION.

SECTION

1. Application of provisions.

SECTION

2. Takes effect.

Be it enacted by the Senate and House of Representatives in General Court convened:

1. Application of Provisions. Amend section 25-a of chapter 60 of the Public Laws, as inserted by chapter 148 of the Laws of 1931, by striking out said section and inserting in place thereof the following: **25-a. Improvements Only Exempted; Limitations.** The exemptions referred to in sections 22, 24 and 25 of this chapter, as regards real estate hereafter acquired by such institutions, shall apply only to subsequent improvements therein and thereon, and the real estate so acquired shall be assessed and taxed as other similar land and real estate in the vicinity is assessed and taxed. This section shall not apply to real estate owned by religious societies incorporated or organized within this state and occupied by their pastors or clergy in active service or to real estate owned and occupied by the Grand Army of the Republic, the United Spanish War Veterans, Veterans of Foreign Wars, the American Legion, or to real estate acquired and used in substitution for property in this state theretofore exempt from taxation.

2. Takes Effect. This act shall take effect upon its passage.

[Approved July 28, 1937.]

CHAPTER 176.

AN ACT PROVIDING FOR SPECIAL NUMBER PLATES FOR MOTOR VEHICLES USED BY THE NATIONAL GUARD.

SECTION

1. Motor vehicles of the national guard.

SECTION

2. Takes effect.

Be it enacted by the Senate and House of Representatives in General Court convened:

1. Motor Vehicles of the National Guard. Amend chapter 124 of the Public Laws by inserting after section 98 the following new section: **98-a. Number Plates.** The adjutant-gen-

eral shall have authority to prescribe and issue, subject to the approval of the commissioner of motor vehicles, permanent number plates for use on motor vehicles issued to and used for the national guard. Said vehicles displaying said number plates shall be deemed to be properly registered under the provisions of the motor vehicle laws and may be operated upon the highways of the state without further registration or other number plates.

2. Takes Effect. This act shall take effect upon its passage.

[Approved July 29, 1937.]

CHAPTER 177.

AN ACT MAKING A FURTHER EXTENSION OF THE APPROPRIATIONS HERETOFORE MADE FOR OLD AGE ASSISTANCE AND POOR RELIEF.

SECTION

1. Time extended.
2. Appropriations extended.

SECTION

3. Takes effect.

*Be it enacted by the Senate and House of Representatives in
General Court convened:*

1. Time Extended. Amend section 24 of chapter 20 of the Laws of 1935, as amended by chapter 146 of the Laws of 1937, by striking out the date "July 31" and inserting in place thereof the date August 15, so that said section as amended shall read as follows: **24. Duration of Act.*** The provisions of this act shall terminate August 15, 1937, unless the legislature shall alter or amend this act prior to that date. Upon such termination the board of welfare and relief and the directors of the divisions of said department shall cease to have the powers and duties by this act conferred upon them, and the affairs of the organization for supervision of poor relief hereby set up shall be wound up and liquidated.

2. Appropriations Extended. Any balance of funds appropriated by chapter 20 of the Laws of 1935, for the board of welfare and relief, and any balance of funds appropriated by section 25, chapter 127, Laws of 1935, for old age assistance, are hereby made available to the board of welfare and relief

*Amended, chapters 185, 202, *post*.

for the purposes of said chapters 20 and 127 for the period from July 31 to August 15, 1937.

3. Takes Effect. This act shall take effect as of July 31, 1937.

[Approved July 29, 1937.]

CHAPTER 178.

AN ACT RELATIVE TO UNEMPLOYMENT COMPENSATION.

SECTION	SECTION
1. New chapter.	10. Administration account.
1. Definitions.	11. Collection of contributions.
2. Benefits.	12. Protection of rights and benefits.
3. Benefit eligibility conditions.	13. Penalties.
4. Disqualifications for benefits.	14. Representation in court.
5. Claims for benefits.	15. Reciprocal arrangements.
6. Contributions.	16. Saving clause.
7. Period election and termination of employer's coverage.	17. Separability of provisions.
8. Unemployment compensation fund.	18. Suspension and termination.
9. Administrative organization and administration.	2. Takes effect.

Be it enacted by the Senate and House of Representatives in General Court convened:

1. Unemployment Compensation. Amend chapter 179-A of the Public Laws, as inserted by chapter 99 of the Laws of 1935, and as amended by chapter 142 of the Laws of 1935 and chapter 3 of the Laws of the special session of 1936, by striking out all of said chapter and inserting in place thereof the following:

CHAPTER 179-A

UNEMPLOYMENT COMPENSATION

1. Definitions. The following words and phrases, as used in this chapter, shall have the following meaning unless the context clearly requires otherwise:

A. "Base period" means the period beginning with the first day of the five completed calendar quarters immediately pre-

ceding the first day of an individual's benefit year and ending with the last day of the next to the last completed calendar quarter immediately preceding any benefit year.

B. "Benefits" means the money payable to an individual as compensation for his wage losses due to unemployment as provided in this chapter.

C. "Benefit year," with respect to any individual, means the fifty-two consecutive week period beginning with the first day of the week with respect to which benefits are first payable to him, and thereafter the fifty-two consecutive week period beginning with the first day of the first week with respect to which benefits are next payable to him after the termination of his last preceding benefit year.

D. "Calendar quarter" means the period of three consecutive calendar months ending on March 31, June 30, September 30, or December 31, excluding, however, any calendar quarter or portion thereof which occurs prior to January 1, 1936, or the equivalent thereof as the commissioner may by regulation prescribe.

E. "Commissioner" means the commissioner of labor or his authorized representative.

F. "Contributions" means the money payments to the State Unemployment Compensation Fund required by this chapter.

G. "Employing unit" means any individual or type of organization, including any partnership, association, trust, estate, joint-stock company, or corporation, whether domestic or foreign, or the receiver, trustee in bankruptcy, trustee or successor thereof, or the legal representative of a deceased person, which has or subsequent to January 1, 1935, had in its employ one or more individuals performing services for it within this state. All individuals performing services within this state for any employing unit which maintains two or more separate establishments within this state shall be deemed to be employed by a single employing unit for all purposes of this chapter. Whenever any employing unit contracts with or has under it any contractor or subcontractor for any work which is part of its usual trade, occupation, profession or business, individuals in the employ of such contractors or subcontractors shall be considered to be in the employ of the employing unit unless it shall be proven to the satisfaction of the

commissioner that such contracting is not for the purpose of avoiding the application of this chapter. Each individual employed to perform or to assist in performing the work of any agent or employee of an employing unit shall be deemed to be employed by such employing unit for all the purposes of this chapter, whether such individual was hired or paid directly by such employing unit or by such agent or employee, provided the employing unit had actual or constructive knowledge of the work.

H. "Employer" means (1) Any employing unit which in each of twenty different weeks, whether or not such weeks are or were consecutive, within either the current or the preceding calendar year, has or had in employment, four or more individuals, irrespective of whether the same individuals are or were employed in each such week;

(2) Any other employing unit subject for either the current or preceding calendar year to the tax levied by title IX of the Social Security Act as amended;

(3) Any employing unit which acquired the organization, trade or business, or substantially all the assets thereof, of another which at the time of such acquisition was an employer subject to this chapter;

(4) Any employing unit which acquired the organization, trade or business, or substantially all the assets thereof, of another employing unit (not an employer subject to this chapter) and which, if subsequent to such acquisition it were treated as a single unit with such other employing unit, would be an employer under paragraph (1) of this subsection;

(5) Any employing unit which, together with one or more other employing units, is owned or controlled (by legally enforceable means or otherwise) directly or indirectly by the same interests, or which owns or controls one or more other employing units (by legally enforceable means or otherwise), and which, if treated as a single unit with such other employing units or interests, or both, would be an employer under paragraph (1) of this subsection;

(6) Any employing unit which, having become an employer under paragraph (1), (2), (3), (4), or (5), has not, under section 7, ceased to be an employer subject to this chapter; or

(7) For the effective period of its election pursuant to sec-

tion 7 C any other employing unit which has elected to become fully subject to this chapter.

I. "Employment" (1) subject to the other provisions of this subsection means service, including service in interstate commerce performed for wages or under any contract of hire, written or oral, expressed or implied. The term "employment" shall include an individual's entire service performed within or both within and without this state:

(a) If all or the greater part of such services are performed within this state; or

(b) If that fact is not readily determinable by the commissioner, if some part of such service is performed in this state and the individual's base of operations or place from which his services are directed or controlled is in this state; or

(c) If neither of the foregoing facts are readily determinable by the commissioner, if some part of such services are performed in this state and the individual's residence is in this state.

(2) In no event shall services performed without this state be deemed to be employment subject to this chapter if contributions are required to be paid with respect thereto under an unemployment compensation law of any other state or of the federal government. The commissioner may prescribe regulations pursuant to which an employing unit may elect that the services performed for it entirely without this state by a resident of this state, shall be deemed to constitute employment subject to this chapter.

(3) Services performed by an individual for wages shall be deemed to be employment subject to this chapter unless and until it is shown to the satisfaction of the commissioner that:

(a) Such individual has been and will continue to be free from control or direction over the performance of such services, both under his contract of service and in fact; and

(b) Such service is either outside the usual course of the business for which such service is performed or that such service is performed outside of all the places of business of the enterprise for which such service is performed; and

(c) Such individual is customarily engaged in an independently established trade, occupation, profession, or business.

(4) The term "employment" shall not include:

- (a) Agricultural labor;
- (b) Domestic service in a private home;
- (c) Service performed as an officer or member of the crew of a vessel on the navigable waters of the United States;
- (d) Service performed in the employ of any other state or of its political subdivisions, or of the United States government, or of an instrumentality of any other state or states or their political subdivisions or of the United States;
- (e) Service performed in the employ of this state, or of any political subdivision thereof, or of any instrumentality of this state or its political subdivisions;
- (f) Service performed in the employ of a corporation, community chest, fund, or foundation, organized and operated exclusively for religious, charitable, scientific, literary, or educational purposes, or for the prevention of cruelty to children or animals, and service performed in the employ of fraternal organizations, no part of the net earnings of which inures to the benefit of any private shareholder or individual;
- (g) Service with respect to which unemployment compensation is payable under an unemployment compensation system established by an act of Congress; provided that the commissioner is hereby authorized and directed to enter into agreements with the proper agencies under such act of Congress, which agreements shall become effective ten days after publication thereof in the manner provided in section 9 C of this chapter for general rules, to provide reciprocal treatment to individuals who have, after acquiring potential rights to benefits under this chapter, acquired rights to unemployment compensation under such act of Congress, or who have, after acquiring potential rights to unemployment compensation under such act of Congress, acquired rights to benefits under this chapter.

J. "Employment office" means a free public employment office or branch thereof operated by this state or maintained as a part of a state controlled system of public employment offices.

K. "Fund" means the Unemployment Compensation Fund established by this chapter, to which all contributions required and from which all benefits provided under this chapter shall be paid.

L. "State" includes, in addition to the states of the United

States of America, Alaska, Hawaii, and the District of Columbia.

M. "Total and Partial Unemployment" (1) An individual shall be deemed "totally unemployed" in any week with respect to which no wages are payable to him and during which he performs no services;

(2) An individual shall be deemed "partially unemployed" in any week of less than full-time work if the wages payable to him for such week fail to equal two dollars more than the weekly benefit amount he would be entitled to receive if totally unemployed and eligible. As used in this subsection, the term "wages" shall include only that part of remuneration for odd jobs or subsidiary work or both which is in excess of three dollars in any one week, and the term "services" shall not include that part of odd jobs or subsidiary work or both for which remuneration equal to or less than three dollars in any one week is payable. An individual's week of unemployment shall be deemed to commence only after his registration at an employment office, except as the commissioner may by regulation prescribe.

N. "Unemployment Compensation Administration Account" means the account set up for the purpose of meeting the expenses of administration under this chapter.

O. "Wages" means every form of remuneration for personal services payable to a person directly or indirectly, including salaries, commissions, bonuses, and the reasonable value of board, rent, housing, lodging, payment in kind and similar advantages estimated and determined in accordance with the rules of the commissioner. When gratuities are received by the individual in the course of his employment from a person other than his employer, the amount of such gratuities shall be considered as wages payable by his employing unit and the reasonable amount thereof shall be estimated and determined in accordance with rules prescribed by the commissioner.

P. "Week" means such period of seven consecutive calendar days as the commissioner may by regulations prescribe.

Q. "Weekly Benefit Amount." An individual's "weekly benefit amount" means the amount of benefits he would be entitled to receive for one week of total unemployment.

2. Benefits.

A. Payment of Benefits. On January 1, 1938, benefits shall become payable from the fund. All benefits shall be paid through employment offices, in accordance with such regulations as the commissioner may prescribe.

B. Weekly Benefit Amount for Total Unemployment. Each eligible individual who is totally unemployed in any week shall be paid, with respect to such week, benefits computed to the nearest dollar at the rate of $1/26$ of his highest quarterly wages for employment by employers in a period which consists of the next to the last completed calendar quarter immediately preceding the date with respect to which such individual's weekly benefit is determined and such of the three immediately preceding consecutive calendar quarters as the commissioner may by regulation prescribe, but not more than fifteen dollars per week, nor less than either five dollars or $3/4$ of $1/13$ of such highest quarterly wages for employment by employers in such period, whichever is the lesser. If the commissioner finds that the highest of the quarters in such period is not reasonably related to the normal and usual full-time quarterly earnings, the commissioner may select such other quarter in such period which is representative of the individual's normal and usual full-time earnings. The weekly benefit amount of an individual shall be determined and re-determined at such reasonable times as the commissioner may find necessary to administer this chapter and may by regulation prescribe.

C. Weekly Benefit for Partial Unemployment. Each eligible individual who is partially unemployed in any week shall be paid with respect to such week a partial benefit. Such partial benefit shall be an amount calculated to the nearest dollar which, if added to his wages as used in section 1 M for such week, would exceed his weekly benefit amount by two dollars.

D. Duration of Benefits. The commissioner shall compute wage credits for each individual by crediting him with the wages earned by him for employment by employers during each quarter, or three hundred and ninety dollars, whichever is the lesser. Benefits paid to any eligible individual shall be charged, in the same chronological order as such wages were earned, against one-sixth of his wage credits which are based upon wages earned during his base period and which have not

been previously charged hereunder. The maximum total amount of benefits payable to any eligible individual during any benefit year shall not exceed whichever is the lesser of (1) sixteen times his weekly benefit amount, and (2) one-sixth of such uncharged wage credits with respect to his base period.

3. Benefit Eligibility Conditions. An unemployed individual shall be eligible to receive benefits with respect to any week only if the commissioner finds that:

A. He has registered for work at and thereafter has continued to report at an employment office in accordance with such regulations as the commissioner may prescribe;

B. He has made a claim for benefits in accordance with the provisions of section 5 A of this chapter;

C. He is able to work, and is available for work;

D. Prior to any week for which he claims benefits he has been totally unemployed for a waiting period of three weeks (and for the purposes of this subsection, two weeks of partial unemployment shall be deemed to be equivalent to one week of total unemployment). Such weeks of total or partial unemployment or both need not be consecutive. No week shall be counted as a week of total unemployment for the purposes of this subsection:

(1) Unless it occurs within the thirteen consecutive weeks preceding the week for which he claims benefits, provided that this requirement shall not interrupt the payment of benefits for consecutive weeks of unemployment; and provided further that no individual shall be required to accumulate more than eight waiting period weeks during any sixty-five consecutive week period;

(2) If benefits have been paid with respect thereto;

(3) Unless the individual was eligible for benefits with respect thereto in all respects except for the requirements of subsections B and E of this section;

(4) Unless it occurs after benefits first could become payable to any individual under this chapter.

E. He has within the first three out of the last four completed calendar quarters immediately preceding the first day of his benefit year, earned wages for employment by employers of one hundred and seventy-five dollars.

4. Disqualifications for Benefits. An individual shall be disqualified for benefits:

A. For the week in which he has left work voluntarily without good cause, if so found by the commissioner, and for the three weeks which immediately follow such week, in addition to the waiting period.

B. For the week in which he has been discharged for misconduct connected with his work, if so found by the commissioner, and for the three weeks which immediately follow such week, in addition to the waiting period.

C. If the commissioner finds that he has failed, without good cause, either to apply for available, suitable work when so directed by the employment office or the commissioner or to accept suitable work when offered him, or to return to his customary self-employment (if any) when so directed by the commissioner. Such disqualification shall continue for the week in which such failure occurred and for the three weeks which immediately follow such week, in addition to the waiting period.

(1) In determining whether or not any work is suitable for an individual, the commissioner shall consider the degree of risk involved to his health, safety, and morals, his physical fitness and prior training, his experience and prior earnings, his length of unemployment and prospects for securing local work in his customary occupation, and the distance of the available work from his residence.

(2) Notwithstanding any other provisions of this chapter, no work shall be deemed suitable and benefits shall not be denied under this chapter to any otherwise eligible individual for refusing to accept new work under any of the following conditions:

(a) If the position offered is vacant due directly to a strike, lockout, or other labor dispute;

(b) If the wages, hours or other conditions of the work offered are substantially less favorable to the individual than those prevailing for similar work in the locality:

(c) If as a condition of being employed the individual would be required to join a company union or to resign from or refrain from joining any *bona fide* labor organization.

D. For any week with respect to which the commissioner finds that his total or partial unemployment is due to a stop-

page of work which exists because of a labor dispute at the factory, establishment, or other premises at which he is or was last employed, provided that this subsection shall not apply if it is shown to the satisfaction of the commissioner that:

(1) He is not participating in or financing or directly interested in the labor dispute which caused the stoppage of work; and

(2) He does not belong to a grade or class of workers of which, immediately before the commencement of the stoppage, there were members employed at the premises at which the stoppage occurs, any of whom are participating in or financing or directly interested in the dispute; provided that if in any case separate branches of work which are commonly conducted as separate businesses in separate premises are conducted in separate departments of the same premises each such department shall, for the purposes of this subsection, be deemed to be a separate factory, establishment, or other premises.

E. For any week with respect to which he is receiving or has received remuneration in the form of:

(1) Wages in lieu of notice;

(2) Compensation for temporary partial disability under the workmen's compensation law of any state or under a similar law of the United States; or

(3) Old-age benefits under title II of the Social Security Act as amended or similar payments under any act of Congress or old age assistance payments under any state laws; provided that if such remuneration is less than the benefits which would otherwise be due under this chapter, he shall be entitled to receive for such week, if otherwise eligible, benefits reduced by the amount of such remuneration.

F. For any week with respect to which he is receiving or has received payments in the form of unemployment compensation under an unemployment compensation law of any other state or under a similar law of the federal government.

5. Claims for Benefits.

A. **Filing.** Claims for benefits shall be made in accordance with such regulations as the commissioner may prescribe. Each employer shall post and maintain printed statements of such regulations in places readily accessible to individuals in his service and shall make available to each such individual at

the time he becomes unemployed, a printed statement of such regulations. Such printed statement shall be supplied by the commissioner to each employer without cost to him.

B. Initial Determination. A representative designated by the commissioner, and hereinafter referred to as a deputy, shall promptly examine the claim of an individual, and on the basis of the facts found by him, shall either determine whether or not such claim is valid, and if valid, the week with respect to which benefits shall commence, the weekly benefit amount payable and the maximum duration thereof, or shall refer such claim or any question involved therein to an appeal tribunal, which shall make its decision with respect thereto in accordance with the procedure described in subsection C of this section. The deputy shall promptly notify the claimant and any other interested parties of the decision and the reasons therefor. The deputy may for good cause reconsider his decision and shall promptly notify the claimant and such other interested parties of the denial of such application or of his amended decision and the reasons therefor, as the case may be. Unless the claimant or any such interested party, within five calendar days after the delivery of the deputy's notification, or within seven calendar days after such notification was mailed to his last known address, files an appeal from such decision, such decision shall be final and benefits shall be paid or denied in accordance therewith. If an appeal is duly filed, benefits with respect to the period prior to the final decision of the appeal tribunal or commissioner shall be paid only after such decision; provided that if an appeal tribunal affirms a decision of a deputy, or the commissioner affirms a decision of an appeal tribunal or deputy allowing benefits, such benefits shall be paid regardless of any appeal which may thereafter be taken, but if such decision is finally reversed, no employer's account shall be charged with benefits so paid.

C. Appeals. Unless such appeal is withdrawn, an appeal tribunal, after affording the parties reasonable opportunity for fair hearing, shall affirm or modify the findings of fact and decision of the deputy. The parties shall be duly notified of such tribunal's decision, together with its reasons therefor. Such decision shall be deemed to be the final decision of the commissioner, unless within ten days after the date of noti-

cation or mailing of such decision, further appeal is initiated pursuant to subsection F of this section.

D. Appeal Tribunals. To hear and decide disputed claims, the commissioner shall appoint one or more impartial appeal tribunals consisting in each case of either a salaried examiner, or a body consisting of three members, one of whom shall be a salaried examiner, who shall serve as chairman, one of whom shall be a representative of employers and the other of whom shall be a representative of employees; each of the latter two members shall serve at the pleasure of the commissioner and be paid a fee of not more than eight dollars per day of active service on such tribunal plus necessary expenses. No person shall participate on behalf of the commissioner in any case in which he is an interested party. The commissioner may designate alternates to serve in the absence or disqualification of any member of an appeal tribunal. The chairman shall act alone in the absence or disqualification of any other member and his alternates. In no case shall the hearings proceed unless the chairman of the appeal tribunal is present.

E. Procedure. The manner in which disputed claims shall be presented and the conduct of hearings and appeals shall be in accordance with regulations prescribed by the commissioner for determining the rights of the parties, whether or not such regulations conform to common law or statutory rules of evidence and other technical rules of procedure. A full and complete record shall be kept of all proceedings in connection with a disputed claim. All testimony at any hearing upon a disputed claim shall be recorded, but need not be transcribed unless the disputed claim is further appealed.

F. Commissioner Review. The commissioner shall have the power to remove or transfer to himself or another appeal tribunal the proceedings on any claim pending before a designated official or appeal tribunal; and may, on his own motion, within ten days after the date of any decision by such official or appeal tribunal, affirm, reverse, change, or set aside any such decision on the basis of the evidence previously submitted in such case, or upon the taking of additional testimony, or may permit any of the parties to such decision to initiate further appeals before him. The commissioner shall permit such further appeal by any of the parties interested in a decision of an appeal tribunal which is not unanimous and by the

deputy whose decision has been overruled or modified by an appeal tribunal. Any proceeding so removed to the commissioner shall be heard by him in accordance with the requirements of subsection C of this section. The commissioner shall promptly notify the interested parties of his findings and decision and the reasons therefor.

G. Witnesses Fees. Witnesses subpoenaed pursuant to this section shall be allowed fees at the rate established for witnesses in the superior court. Such fees shall be deemed a part of the expenses of administering this chapter.

H. Appeal to Courts. Any party aggrieved by any decision of fact in proceedings under the provisions of this chapter may, after exhaustion of other administrative remedies provided herein, and within ten days after such decision, appeal to the superior court in the same manner as parties aggrieved by the decision of fact of a municipal court. Any party aggrieved by any ruling of law in any proceeding hereunder, having excepted thereto, may file his exceptions with the commissioner within ten days after decision of the appeal tribunal, and the same shall be allowed by the commissioner so far as conformable to the facts. Thereupon the case shall be transferred to the supreme court as in actions at law. The commissioner may of his own motion transfer to the supreme court any question of law arising in the administration of this chapter. A petition for judicial review shall not act as a supersedeas or stay unless the commissioner shall so order. Upon the final determination of such judicial proceeding, the commissioner shall enter an order in accordance with such determination.

6. Contributions.

A. Payment of Contributions. On and after January 1, 1936, contributions shall accrue and become payable by each employer for each calendar year in which he is subject to this chapter with respect to wages payable for employment occurring during such calendar year, provided that contributions, on account of wages in excess of three thousand dollars payable to an individual in any calendar year, shall be paid only so long as such contributions may be credited by any employer against the tax imposed by title IX of the Social Security Act as amended. Such contributions shall become due and be paid by each employer to the commissioner for the fund in accord-

ance with such regulations as the commissioner may prescribe, and shall not be deducted, in whole or in part, from the wages of individuals in such employer's employ; provided that after January 1, 1936, the contributions of an employer becoming subject to the law within any calendar year shall be first due and payable after such employer has satisfied the conditions with respect to becoming an employer.

In the payment of any contributions, a fractional part of a cent shall be disregarded unless it amounts to one-half cent or more in which case it shall be increased to one cent.

B. Rate of Contribution. Each employer shall pay contributions equal to the following percentages of wages payable by him with respect to employment:

(1) 1 per centum with respect to employment during the calendar year 1936;

(2) 2 per centum with respect to employment during the period between January 1, 1937 and September 30, 1937.

(3) 1.8 per centum with respect to employment during the calendar year 1937 subsequent to September 30, 1937.

(4) With respect to employment after December 31, 1937, 2.7 per centum, except as otherwise prescribed in subsection E of this section.

C. Separate Accounts. The commissioner shall maintain a separate account for each employer, and shall credit his account with all the contributions paid on his own behalf. But nothing in this chapter shall be construed to grant any employer or individuals in his service prior claims or rights to the amounts paid by him into the fund either on his own behalf or on behalf of such individuals. Benefits paid to an eligible individual shall be charged, in the amount hereinafter provided against the account of his most recent employer, except that if such individual had not earned within the completed calendar quarter and the expired portion of the uncompleted calendar quarter immediately preceding the first week of any continuous period of unemployment, wages for employment by such most recent employer equal to more than sixteen times his weekly benefit amount, such benefits may also be charged against the account of his next most recent employer, in the inverse chronological order in which the employment of such individual occurred. The maximum amount so charged against the account of any

employer shall not exceed one-sixth of the wages payable to such individual by each such employer for employment which occurs on and after the first day of such individual's base period, but not more than sixty-five dollars per completed calendar quarter or portion thereof, which occurs within such base period; but nothing in this section shall be construed to limit benefits payable pursuant to section 2 of this chapter. The commissioner shall by general rules prescribe the manner in which benefits shall be charged against the accounts of several employers for whom an individual performed employment at the same time.

D. Joint Accounts. The commissioner may prescribe regulations for the establishment, maintenance, and dissolution of joint accounts by two or more employers, and shall, in accordance with such regulations and upon application by two or more employers to establish such an account, or to merge their several individual accounts in a joint account, maintain such joint account as if it constituted a single employer's account.

E. Merit Ratings. The commissioner shall, for the year 1941 and for each calendar year thereafter, classify employers in accordance with their actual experience in the payment of contributions on their own behalf and with respect to benefits charged against their accounts, with a view to fixing such contribution rates as will reflect such experience. The commissioner shall determine the contribution rate of each employer in accordance with the following requirements:

(1) Each employer's rate shall be 2.7 per centum, except as otherwise provided in the following provisions. No employer's rate shall be less than 2.7 per centum unless and until there shall have been three calendar years throughout which any one individual in his employ could have received benefits if eligible.

(2) Each employer's rate for the twelve months commencing January 1 of any calendar year shall be determined on the basis of his record up to the beginning of such calendar year. If, at the beginning of such calendar year, the total of all his contributions paid on his own behalf and credited to his account for all past years exceeds the total benefits charged to his account for all such years, his contribution rate shall be:

(a) Two and one-half per centum, if such excess equals or exceeds eight per centum of his average annual payroll;

(b) Two per centum, if such excess equals or exceeds ten per centum of his average annual payroll;

(c) One and one-half per centum, if such excess equals or exceeds twelve per centum of his average annual payroll;

(d) One per centum, if such excess equals or exceeds fifteen per centum of his average annual payroll.

(3) No employer's rate for the period of twelve months commencing January 1 of any calendar year shall be less than 2.7 per centum, unless the total assets credited to his account in the fund, excluding contributions not yet paid at the beginning of such calendar year, exceed the total benefits paid from the fund within the last preceding calendar year; and no employer's rate shall be less than two per centum unless such assets at such time were at least twice the total benefits paid from the fund within such last preceding year.

(4) As used in this section the term "annual payroll" means the total amount of wages payable by an employer (regardless of the time of payment) for employment during a calendar year, and the term "average annual payroll" means the average of the annual payrolls of an employer for the last three or five preceding calendar years, whichever average is higher.

The term "wages" as used in this paragraph shall not include wages in excess of three thousand dollars payable to an individual in any calendar year.

7. Period Election and Termination of Employer's Coverage.

A. Any employing unit which is or becomes an employer subject to this chapter within any calendar year shall be subject to this chapter after it has satisfied the conditions with respect to becoming an employer and thereafter as provided in subsection B of this section.

B. An employing unit shall cease to be an employer subject to this chapter as of the first day of January of any calendar year, only if it files with the commissioner, prior to the fifteenth of February of such year, a written application for termination of coverage, and the commissioner finds that there were no twenty weeks within the preceding calendar

year, within which such employing unit employed four or more individuals in employment subject to this chapter.

C. (1) An employing unit not otherwise subject to this chapter which files with the commissioner its written election to become an employer subject hereto for not less than two calendar years, shall, with the written approval of such election by the commissioner, become an employer subject hereto to the same extent as all other employers, as of the date stated in such approval, and shall cease to be subject hereto as of January 1 of any calendar year subsequent to such two calendar years, only if at least thirty days prior to such first day of January, it has filed with the commissioner a written notice to that effect.

(2) Any employing unit for which services that do not constitute employment as defined in this chapter are performed, may file with the commissioner a written election that all such services performed by individuals in its employ in any or all of its places of business shall be deemed to constitute employment for all the purposes of this chapter for not less than two calendar years. Upon the written approval of such election by the commissioner, such services shall be deemed to constitute employment subject to this chapter from and after the date stated in such approval. Such services shall cease to be deemed employment subject hereto as of January 1 of any calendar year subsequent to such two calendar years, only if at least thirty days prior to such first day of January such employing unit has filed with the commissioner a written notice to that effect.

8. Unemployment Compensation Fund.

A. **Establishment and Control.** There is hereby created the Unemployment Compensation Fund to be administered by the commissioner, subject to audit by the comptroller without liability on the part of the state beyond the amounts paid into and earned by the fund. This fund shall consist of all contributions collected under this chapter, together with any interest thereon collected pursuant to section 11 A of this chapter; all fines and penalties collected pursuant to this chapter and all interest earned upon any moneys in the fund; any properties or securities acquired through use of moneys or securities belonging to the fund; and all earnings of such properties or

securities. All moneys in the fund shall be mingled and undivided.

B. Accounts and Deposit. The commissioner shall designate the state treasurer as custodian of the fund who shall administer such fund in accordance with the directions of the commissioner and shall issue his warrants upon it in accordance with such regulations as the commissioner shall prescribe. He shall maintain within the fund three separate accounts: (1) A clearing account, (2) an unemployment trust fund account, and (3) a benefit account. All moneys payable to the fund, upon receipt thereof by the commissioner, shall be forwarded to the treasurer who shall immediately deposit them in the clearing account. Refunds payable pursuant to section 11 D of this chapter may be paid from the clearing account upon warrants issued by the treasurer under the direction of the commissioner. After clearance thereof, all other moneys in the clearing account shall be immediately deposited with the secretary of the treasury of the United States of America to the credit of the account of this state in the unemployment trust fund, established and maintained pursuant to section 904 of the Social Security Act, as amended, any provisions of law in this state relating to the deposit, administration, release, or disbursement of moneys in the possession or custody of this state to the contrary notwithstanding. The benefit account shall consist of all moneys requisitioned from this state's account in the unemployment trust fund. Except as herein otherwise provided, moneys in the clearing and benefit accounts may be deposited by the treasurer, under the direction of the commissioner, in any bank or public depository in which general funds of the state may be deposited, but no public deposit insurance charge or premium shall be paid out of the fund. The treasurer shall give a separate bond conditioned upon the faithful performance of his duties as custodian of the fund in an amount fixed by the commissioner and approved by the attorney-general. Premiums for said bond shall be paid from the administration account.

C. Withdrawals. Moneys shall be requisitioned from this state's account in the unemployment trust fund solely for the payment of benefits and in accordance with regulations prescribed by the commissioner. The commissioner shall from time to time requisition from the unemployment trust fund

such amounts, not exceeding the amounts standing to this state's account therein, as he deems necessary for the payment of benefits for a reasonable future period. Upon receipt thereof the treasurer shall deposit such moneys in the benefit account and shall issue his warrants for the payment of benefits solely from such benefit account. All warrants issued by the treasurer for the payment of benefits and refunds shall bear the signature of the treasurer and the countersignature of the commissioner or his duly authorized agent for that purpose. Any balance of moneys requisitioned from the unemployment trust fund which remains unclaimed or unpaid in the benefit account after the expiration of the period for which such sums were requisitioned shall either be deducted from estimates for, and may be utilized for the payment of, benefits during succeeding periods, or, in the discretion of the commissioner, shall be redeposited with the secretary of the treasury of the United States of America, to the credit of this state's account in the unemployment trust fund, as provided in section 8 B of this chapter.

D. Management of Funds upon Discontinuance of Unemployment Trust Fund. The provisions of subsections A, B, and C, of this section to the extent that they relate to the unemployment trust fund, shall be operative only so long as such unemployment trust fund continues to exist and so long as the secretary of the treasury of the United States of America continues to maintain for this state a separate book account of all funds deposited therein by this state for benefit purposes, together with this state's proportionate share of the earnings of such unemployment trust fund, from which no other state is permitted to make withdrawals. If and when such unemployment trust fund ceases to exist, or such separate book account is no longer maintained, all moneys, properties, or securities therein, belonging to the unemployment compensation fund of this state shall be transferred to the treasurer of the unemployment compensation fund, who shall hold, invest, transfer, sell, deposit, and release such moneys, properties or securities in a manner approved by the commissioner in accordance with the provisions of this chapter, provided that such moneys shall be invested in the following readily marketable classes of securities: Bonds or other interest-bearing obligations of the United States of America, or of this state

or of its political subdivisions; provided further that such investment shall at all times be so made that all the assets of the fund shall always be readily convertible into cash when needed for the payment of benefits. The treasurer shall dispose of securities or other properties belonging to the unemployment compensation fund only under the direction of the commissioner.

9. Administrative Organization and Administration.

A. Unemployment Compensation Division. There is hereby created in the bureau of labor two co-ordinate divisions, the New Hampshire state employment service division and a division known as the unemployment compensation division, each of which shall be administered by a full-time salaried administrator who shall be subject to the supervision and direction of the commissioner. Each division shall be responsible for the discharge of its distinctive functions. Each division shall be a separate administrative unit with respect to personnel, budget, and duties except so far as the commissioner may find such separation is impractical. The commissioner, with the approval of the governor and council, is directed to appoint the director, other officers and employees of the New Hampshire State employment service. Such appointment shall be made in accordance with regulations prescribed by the director of the United States employment service. The commissioner, through the New Hampshire state employment service, shall establish and maintain free public employment offices in such numbers and in such places as may be necessary for the proper administration of this chapter.

B. Duties and Powers of Commissioner. It shall be the duty of the commissioner to administer this chapter and he shall have power and authority to adopt, amend, or rescind such rules and regulations, to employ such persons, make such expenditures, require such reports, make such investigations, and take such other action as he deems necessary or suitable to that end. Such rules and regulations shall be effective upon publication in the manner, not inconsistent with the provisions of this chapter, which the commissioner shall prescribe. The commissioner shall determine his own organization and methods or procedure in accordance with the provisions of this chapter. Not later than the first day of February of each year, the commissioner shall submit to the gover-

nor a report covering the administration and operation of this chapter during the preceding calendar year and shall make such recommendations for amendments to this chapter as he deems proper. Such reports shall include a balance sheet of the moneys in the fund in which there shall be provided, if possible, a reserve against the liability in future years to pay benefits in excess of the then current contributions, which reserve shall be set up by the commissioner in accordance with accepted actuarial principles on the basis of statistics of employment, business activity, and other relevant factors for the longest possible period. Whenever the commissioner believes that a change in contribution or benefit rates will become necessary to protect the solvency of the fund, he shall promptly so inform the governor and the legislature, and make recommendations with respect thereto.

C. Regulations and General and Special Rules. General and special rules may be adopted, amended, or rescinded by the commissioner only after public hearing or opportunity to be heard thereon, of which proper notice has been given. General rules shall become effective ten days after filing with the secretary of state and publication in one or more newspapers of general circulation in this state. Special rules shall become effective ten days after notification to or mailing to the last-known address of the individuals or concerns affected thereby. Regulations may be adopted, amended, or rescinded by the commissioner and shall become effective in the manner and at the time prescribed by the commissioner.

D. Publication. The commissioner shall cause to be printed in proper form for distribution to the public the text of this chapter, his regulations, general and special rules, his annual reports to the governor and any other material he deems relevant and suitable, and shall furnish the same to any person upon request.

E. Personnel. The commissioner is authorized to employ all the necessary officers, accountants, clerks, agents, investigators, auditors and other persons necessary for the proper administration of this chapter, and to fix the amount of their compensation subject to the approval of the governor and council. They shall be selected and appointed on a nonpartisan basis of efficiency and fitness. The commissioner shall fix the duties and powers of all persons thus employed, and may

authorize any such person to perform any of the functions of the commissioner under this chapter. The commissioner may, in his discretion, bond any person handling moneys or signing checks hereunder.

F. Segregation of Special Risks. The commissioner shall investigate and report upon the degree of unemployment hazard in various industries and occupations and their cost to the unemployment fund. He shall recommend to employers in industries or occupations showing an excessive cost to the fund means for stabilizing employment. He shall also, if necessary, recommend to the legislature a higher rate of contribution for any classification of industries or occupations in which unemployment is excessive or chronic.

G. Records and Reports. Each employing unit shall keep true and accurate work records, containing such information as the commissioner may prescribe. Such records shall be open to inspection and be subject to being copied by the commissioner or his authorized representatives at any reasonable time and as often as may be necessary. The commissioner and the chairman of any appeal tribunal may require from any employing unit any sworn or unsworn reports, with respect to persons employed by it, which either of them deems necessary for the effective administration of this chapter. Information thus obtained or obtained from any individual pursuant to the administration of this chapter shall be held confidential and shall not be published or be open to public inspection (other than to public employees in the performance of their public duties) in any manner revealing the individual's or employing unit's identity, but any claimant (or his legal representative) at a hearing before an appeal tribunal or the commissioner shall be supplied with information from such records to the extent necessary for the proper presentation of his claim. Any employee or member of an appeal tribunal or any employee of the commissioner who violates any provision of this section shall be fined not less than twenty dollars nor more than two hundred dollars, or imprisoned for not more than ninety days, or both.

H. Oaths and Witnesses. In the discharge of the duties imposed by this chapter, the commissioner, the chairman of an appeal tribunal, and any duly authorized representative of either of them shall have power to administer oaths and

affirmations, take depositions, certify to official acts, and issue subpoenas to compel the attendance of witnesses and the production of books, papers, correspondence, memoranda, and other records deemed necessary as evidence in connection with a disputed claim or the administration of this chapter.

I. Protection Against Self-Incrimination. No person shall be excused from attending and testifying or from producing books, papers, correspondence, memoranda, and other records before the commissioner, the chairman of an appeal tribunal, or any duly authorized representative of either of them, or a court of this state, or in obedience to the subpoena of any of them in any cause or proceeding before the commissioner, or an appeal tribunal, on the ground that the testimony or evidence, documentary or otherwise, required of him may tend to incriminate him or subject him to a penalty or forfeiture; but no individual shall be prosecuted or subjected to any penalty or forfeiture for or on account of any transaction, matter, or thing concerning which he is compelled, after having claimed his privilege against self-incrimination, to testify or produce evidence, documentary or otherwise, except that such individual so testifying shall not be exempt from prosecution and punishment for perjury committed in so testifying.

J. Subpoenas. In case of contumacy by, or refusal to obey a subpoena issued to, any person, any court of this state within the jurisdiction of which the inquiry is carried on or within the jurisdiction of which said person guilty of contumacy or refusal to obey is found or resides or transacts business, upon application by the commissioner, the chairman of an appeal tribunal, or any duly authorized representative of either of them shall have jurisdiction to issue to such person an order requiring such person to appear before the commissioner, the chairman of an appeal tribunal or any duly authorized representative of either of them, there to produce evidence if so ordered or there to give testimony touching the matter under investigation or in question; and any failure to obey such order of the court may be punished by said court as a contempt thereof. Any person who shall without just cause fail or refuse to attend and testify or to answer any lawful inquiry or to produce books, papers, correspondence, memoranda, and other records, if it is in his power so to do, in obedience to a subpoena of the commissioner, the chairman of an appeal

tribunal, or any duly authorized representative of either of them, shall be fined not more than two hundred dollars or imprisoned for not more than sixty days, or by both such fine and imprisonment, and each day such violation continues shall be deemed to be a separate offense.

K. State-Federal Co-operation. In the administration of this chapter, the commissioner shall co-operate, to the fullest extent consistent with the provisions of this chapter, with the social security board, created by the Social Security Act, approved August 14, 1935, as amended; shall make such reports in such form and containing such information as the social security board may from time to time require, and shall comply with such provisions as the social security board may from time to time find necessary to assure the correctness and verification of such reports; and shall comply with regulations prescribed by the social security board governing the expenditures of such sums as may be allotted and paid to this state under title III of the Social Security Act for the purpose of assisting in the administration of this chapter.

Upon request therefor the commissioner shall furnish to any agency of the United States charged with the administration of public works or assistance through public employment, the name, address, ordinary occupation, and employment status of each recipient of benefits and such recipient's rights to further benefits under this chapter.

10. Unemployment Compensation Administration Account.

A. Special Fund. There is hereby created in the state treasury a special fund to be known as the Unemployment Compensation Administration Account. All moneys which are deposited or paid into this account are hereby appropriated and made available to the commissioner. All moneys in this account shall be expended solely for the purpose of defraying the cost of the administration of this chapter and for no other purpose whatsoever. The account shall consist of all moneys appropriated by this state, and all moneys received from the United States of America, or any agency thereof, including the social security board and the United States employment service, or from any other source, for such purpose. All moneys in this account shall be deposited, administered, and disbursed, in the same manner and under the same conditions and requirements as is provided by law for other special funds in the

state treasury. Any balances in this account shall not lapse at any time, but shall be continuously available to the commissioner for expenditures consistent with this chapter. The state treasurer shall give a separate and additional bond conditioned upon the faithful performance of his duties in connection with the unemployment compensation administration fund in an amount to be fixed by the commissioner and in a form approved by the attorney-general. The premiums for such bond and the premiums for the bond given by the treasurer of the unemployment compensation fund under section 8 of this chapter shall be paid from the moneys in the unemployment compensation administration account.

B. Employment Service Account. A special Employment Service Account shall be maintained as a part of the unemployment compensation administration account for the purpose of maintaining public employment offices established pursuant to chapter 146 of the Laws of 1935 and for the purpose of cooperating with the United States employment service. There shall be paid into such account the moneys apportioned for the purposes of this account from any moneys received by this state under title III of the Social Security Act, as amended.

11. Collection of Contributions.

A. Interest on Past-Due Contributions. Contributions unpaid on the date on which they are due and payable, as prescribed by the commissioner, shall bear interest at the rate of one per centum per month from and after such date until payment plus accrued interest is received by the commissioner. Interest collected pursuant to this subsection shall be paid into the unemployment compensation fund.

B. Collection. If, after due notice, any employer defaults in any payment of contributions or interest thereon, the amount due shall be collected by civil action in the name of the commissioner and the employer adjudged in default shall pay the costs of such action. Civil actions brought under this section to collect contributions or interest thereon from an employer shall be heard by the court at the earliest possible date and shall be entitled to preference upon the calendar of the court over all other civil actions except petitions for judicial review under this chapter and cases arising under the workmen's compensation law of this state.

C. Priorities Under Legal Dissolution or Distributions. In

the event of any distribution of an employer's assets pursuant to an order of any court under the laws of this state, including any receivership, assignment for benefit of creditors, adjudicated insolvency, composition, or similar proceeding, contributions then or thereafter due shall be paid in full prior to all other claims except taxes and claims for wages of not more than two hundred and fifty dollars to each claimant, earned within six months of the commencement of the proceeding. In the event of an employer's adjudication in bankruptcy, judicially confirmed extension proposal, or composition, under the Federal Bankruptcy Act of 1898, as amended, contributions then or thereafter due shall be entitled to such priority as is provided in section 64 (b) of that act, U. S. C., title 11, section 104 (b), as amended.

D. Adjustments and Refunds. If not later than one year after the date on which any contributions or interest thereon became due, an employer or worker who has paid such contributions or interest thereon shall make application for an adjustment thereof in connection with subsequent contribution payments, or for a refund thereof because such adjustment cannot be made, and the commissioner shall determine that such contributions or interest or any portion thereof was erroneously collected, the commissioner shall allow such employer or worker to make an adjustment thereof, without interest, in connection with subsequent contribution payments by him, or if such adjustment cannot be made the commissioner shall refund said amount, without interest, from the fund. For like cause and within the same period, adjustment or refund may be so made on the commissioner's own initiative.

12. Protection of Rights and Benefits.

A. Waiver of Rights Void. Any agreement by an individual to waive, release, or commute his rights to benefits or any other rights under this chapter shall be void. Any agreement by any individual in the employ of any person or concern to pay all or any portion of an employer's contributions, required under this chapter from such employer, shall be void. No employer shall directly or indirectly make or require or accept any deduction from wages to finance the employer's contributions required from him, or require or accept any waiver of any right hereunder by any individual in his em-

ploy. Any employer or officer or agent of an employer who violates any provision of this subsection shall, for each offense, be fined not less than one hundred dollars nor more than one thousand dollars or be imprisoned for not more than six months, or both.

B. Limitation of Fees. No individual claiming benefits shall be charged fees of any kind in any proceeding under this chapter by the commissioner, or his representatives or any court or any officer thereof. Any individual claiming benefits before the commissioner or his representatives may be represented by counsel or other duly authorized agent; but no such counsel or agents shall either charge or receive for such services more than an amount approved by the commissioner. Any person who violates any provision of this subsection shall, for each such offense, be fined not less than fifty dollars nor more than five hundred dollars, or imprisoned for not more than six months, or both.

C. No Assignment or Garnishment of Benefits. Any assignment, pledge, or encumbrance of any right to benefits which are or may become due or payable under this chapter shall be void; and such rights to benefits shall be exempt from levy, execution, attachment, or any other remedy whatsoever provided for the collection of debt; and benefits received by any individual, so long as they are not mingled with other funds of the recipient, shall be exempt from any remedy whatsoever for the collection of all debts except debts incurred for necessities furnished to such individual or his spouse or dependents during the time when such individual was unemployed. Any waiver of any exemption provided for in this subsection shall be void.

13. Penalties.

A. Whoever wilfully makes a false statement or representation or knowingly fails to disclose a material fact to obtain or increase any benefit or other payment under this chapter, either for himself, or for any other person, shall, upon conviction, be fined not less than twenty nor more than one hundred dollars, or imprisoned not more than sixty days, or both; and each such false statement or representation or failure to disclose a material fact shall constitute a separate and distinct offense.

B. Any employing unit or any officer or agent of an em-

ploying unit, who wilfully makes a false statement or representation or who knowingly fails to disclose a material fact to avoid becoming or remaining subject hereto or to avoid or prevent or reduce any contribution or other payment required of such employing unit under this chapter, or to deny or reduce payments of benefits to any individual, or who wilfully fails or refuses to make any such contribution, or other payment or to furnish any reports required hereunder or to testify or to permit inspection of records or produce records as required hereunder, or who makes, permits or requires any deduction from wages to pay all or any portion of the contributions required from employers, or who attempts to induce any individual to waive any right under this chapter, shall, upon conviction, be fined not less than fifty nor more than five hundred dollars, or imprisoned not more than six months, or both; and each such violation shall constitute a separate and distinct offense.

C. Any violator of any provision of this chapter, or of any order, rule or regulation thereunder for which a penalty is neither prescribed above nor provided by any other applicable statute, shall be fined not less than twenty nor more than one hundred dollars, or be imprisoned for not longer than thirty days, or by both such fine and imprisonment, and each such violation shall be deemed to be a separate and distinct offense.

D. Any person who, by reason of the nondisclosure or misrepresentation by him or by another, of a material fact (irrespective of whether such nondisclosure or misrepresentation was known or fraudulent) has received any sum as benefits under this chapter while any conditions for the receipt of benefits imposed by this chapter were not fulfilled in his case, or while he was disqualified from receiving benefits, shall, in the discretion of the commissioner, either be liable to have such sum deducted from any future benefits payable to him under this chapter or shall be liable to repay to the commissioner for the unemployment compensation fund a sum equal to the amount so received by him, and such sum shall be collectible in the manner provided in section 11 B of this chapter for the collection of past due contributions.

14. Representation in Court.

A. In any civil action to enforce the provisions of this chapter the commissioner and the state may be represented

by any qualified attorney who is employed by the commissioner and is designated by him for this purpose or at the commissioner's request by the attorney-general.

B. All criminal actions for violation of any provision of this chapter, or of any rule or regulation issued pursuant thereto, shall be prosecuted by the attorney-general of the state or, at his request and under his direction, by the county solicitor of any county in which the employer has a place of business or the violator resides.

15. Reciprocal Arrangements. The commissioner is hereby authorized to enter into arrangements with the appropriate agencies of other states or the federal government whereby individuals performing services in this and other states for a single employing unit under circumstances not specifically provided for in section 1 of this chapter or under similar provisions in the unemployment compensation laws of such other states, shall be deemed to be engaged in employment performed entirely within this state or within one of such other states and whereby potential rights to benefits accumulated under the unemployment compensation laws of several states or under such a law of the federal government, or both, may constitute the basis for the payment of benefits through a single appropriate agency under terms which the commissioner finds will be fair and reasonable as to all affected interests and will not result in any substantial loss to the fund.

16. Saving Clause. The legislature reserves the right to amend or repeal all or any part of this chapter at any time; and there shall be no vested private right of any kind against such amendment or repeal. All the rights, privileges, or immunities conferred by this chapter or by acts done pursuant thereto shall exist subject to the power of the legislature to amend or repeal this chapter at any time.

17. Separability of Provisions. If any provision of this chapter or the application thereof to any person or circumstance, is held invalid, the remainder of this chapter and the application of such provision to other persons or circumstances shall not be affected thereby.

18. Suspension and Termination. If at any time the governor shall find (1) that the provisions of this chapter requiring the payment of contributions and benefits have been held

invalid under the constitution of this state by the supreme court of this state or under the United States constitution by the supreme court of the United States in such manner that any person or concern required to pay contributions under this chapter might secure a similar decision, or (2) that the tax imposed by title IX of the Social Security Act, as amended, or any other federal tax against which contributions under this chapter may be credited, has been amended or repealed by Congress or has been held unconstitutional by the supreme court of the United States with the result that no portion of the contributions required by this chapter may be credited against such federal tax, the governor shall publicly so proclaim, and upon the date of such proclamation the provision of this chapter requiring the payment of contributions and benefits shall be suspended. The commissioner shall thereupon requisition from the unemployment trust fund all moneys therein standing to its credit and shall direct the state treasurer to deposit such moneys, together with any other moneys, in the fund, as a special fund in any banks or public depositories in this state in which general funds of the state may be deposited, and to hold such moneys for such disposition as the legislature may prescribe.

2. Takes Effect. This act shall take effect September 30, 1937.

[Approved August 3, 1937.]

CHAPTER 179.

AN ACT RELATIVE TO ATHLETIC EXHIBITIONS.

SECTION

1. Athletic exhibitions; rules and regulations; boxing or wrestling bouts; licenses; tax and report.

SECTION

2. Takes effect.

Be it enacted by the Senate and House of Representatives in General Court convened:

1. Athletic Exhibitions. Amend chapter 132 of the Laws of 1929 as amended by chapter 146, Laws of 1933, by striking out all of said chapter after section 8 and inserting in place thereof the following:

9. Rules and Regulations. The athletic commission shall

make such rules and regulations for the administration of its office and for the conduct of athletic exhibitions under its direction as it deems necessary, not inconsistent with the provisions of this act, which shall be approved by the governor and council.

10. Distribution of Rules. This act, together with such rules regarding athletic exhibitions as the commission makes, shall be printed in pamphlet form by the commission to be distributed by the chairman-secretary on request.

11. Boxing or Wrestling Bouts. No boxing or wrestling bout may be held within the state without the sanction of the athletic commission and all bouts must comply with the provisions of this act, as well as any rules and regulations set forth by the commission and approved by the governor and council.

12. License. Before holding any boxing or wrestling bout any person, club or association shall receive a promoter's license from the commission, after paying the fees herein prescribed and satisfying the commission that all provisions of this act and other rules and regulations set forth have been and will be complied with. The commission may revoke licenses at any time for cause.

13. Action by Town or City. No license shall be issued to conduct boxing or wrestling bouts in any town or city until said town shall have authorized, by vote at an annual town meeting or special meeting called for the purpose, or said city shall have authorized, by ordinance legally made, the holding of such bouts within said town or city.

14. Permits, Licenses. No person shall participate as a contestant, manager, referee, second, or timekeeper in any boxing or wrestling contest, bout or exhibition within the state without having first procured from the commission a permit or license to so act. Such permits or licenses may be revoked by the commission for cause.

15. Fees. For the period of one year from the date of the passage of this act the following fees for permits and licenses are established: Permit (which shall be valid for one show only) promoter, three dollars, boxer or wrestler, three dollars for main bout or all star exhibition, two dollars for semi-final bout and one dollar for preliminary bout, second, one dollar, timekeeper, one dollar, manager, two dollars; annual license

(which shall be valid for one year) promoter, twenty-five dollars, boxer, seven dollars, manager, ten dollars, referee, ten dollars, second, five dollars and timekeeper, five dollars. The commission may issue to an amateur boxer or wrestler an amateur card which shall be valid for one year. The fee for such amateur card shall be twenty-five cents.

16. Commission May Name Fees. After a period of one year from date of the passage of this act, the commission may annually set such fees for permits as it shall consider adequate and proper. Upon approval by the governor and council such fees shall be in effect for the period of one year.

17. Licenses Now in Effect. All licenses and permits for boxing or wrestling exhibitions now in effect shall continue in effect until the time of their expiration.

18. Tax and Report. Any person, club or association, which may hold or exercise any of the privileges conferred by this act or rules adopted hereunder, shall within seventy-two hours after the determination of each boxing or wrestling exhibit file with the athletic commission a written report which shall include the number of tickets sold for such exhibit, the amount of gross receipts thereof and such other facts as the commission may prescribe, and shall also pay to the commission, within said time, a tax of three per cent of the total receipts of paid admissions after deduction of any federal taxes. Upon the failure of any person, club or association to make such report and tax payment its permit shall be immediately cancelled.

19. Examination. No person shall engage in any bout as boxer or wrestler until he shall have been examined not more than five hours before, by a physician licensed to practice under the laws of this state. Such physician shall be in attendance throughout the bout for which such examination is made and shall certify in writing that the contestant is physically fit to engage in such contest. His fee shall be paid by the person, persons, club or association sponsoring the exhibit.

20. Age. No person under the age of eighteen years shall engage in any professional boxing or wrestling bout.

21. Time Limit. No boxing bout shall consist of more than ten rounds and each round shall not be more than three minutes' duration with at least one minute's rest between the

rounds. No wrestling bout shall last more than ninety minutes in all.

22. Amateur Bouts. All amateur boxing or wrestling bouts except those conducted by a school, college, or university, at which admission fees are charged shall come under the provisions of this act.

23. Officials. The sole arbiter in the ring in all boxing or wrestling bouts shall be a duly qualified and licensed referee, who shall govern the bout in accordance with such rules as the commission may designate or set forth. The referee shall have full power to stop the bout whenever he deems it advisable because of the physical condition of the contestants, or one of them, or when one of the contestants is clearly outclassed by his opponent, or for other sufficient reason. The referee shall have power in his discretion to declare forfeited any prize, remuneration, or purse, or any part thereof, belonging to the contestants or one of them if, in his judgment, such contestant or contestants are not or were not competing in good faith.

24. Inspectors. If at any time, no member of the athletic commission is able to be present at any boxing or wrestling contest held under the provisions of this act, the commission shall appoint an inspector who shall, for the duration of this contest, have the full duties and powers of a member of the commission, and who shall be entitled to such compensation as the commission may deem proper.

25. Financial Interest in Boxer or Wrestler. No licensed promoter shall have, directly or indirectly, any financial interest in a boxer or wrestler competing on premises owned or leased by the licensee or in which the licensee is otherwise interested. No boxer or wrestler shall be paid for services before the same are rendered.

26. Subpoenas by Commission; Oaths. The commission shall have authority to issue, under the hand of its chairman, subpoenas for the attendance of witnesses before the commission, to the same effect as if they were issued in an action of the superior court and it may, by any member, administer oaths and affirmations and it may examine witnesses in all matters pertaining to the administration of the affairs of the commission; and disobedience of such subpoenas and such false swearing before such commission shall be attended with

the same consequences and be subject to the same penalties as if such disobedience or false swearing occurred in an action in the superior court.

2. Takes Effect. This act shall take effect upon its passage.

[Approved August 4, 1937.]

CHAPTER 180.

AN ACT RELATING TO POWERS OF GOVERNOR AND COUNCIL.

SECTION

1. Acquisition of real estate.

SECTION

2. Takes effect.

Be it enacted by the Senate and House of Representatives in General Court convened:

1. Acquisition of Real Estate. Amend section 18 of chapter 19 of the Public Laws by striking out the whole thereof and substituting therefor the following: **18. By Governor.** The governor with advice and consent of the council may acquire on behalf of the state either by purchase or otherwise as hereinafter provided any real estate within the state which they may deem necessary for any military purpose, for public parks, public buildings or for any other public improvement purposes and to accept deeds thereof in the name of the state.

2. Takes Effect. This act shall take effect upon its passage.

[Approved August 5, 1937.]

CHAPTER 181.

AN ACT RELATIVE TO POLITICAL CONTRIBUTIONS.

SECTION

1. Political contributions.

SECTION

2. Takes effect.

Be it enacted by the Senate and House of Representatives in General Court convened:

1. Political Contributions. Amend section 25 of chapter 34 of the Public Laws by striking out the words "of this state" so that as amended said section shall read: **25. Contributions by Non-candidates.** No person not a candidate for nomination

at the primary or election shall contribute, expend, or promise to contribute or expend, any money or thing of value in aid of the nomination or defeat of any candidate at the primary or election, or in aid of the success or defeat of any political party or principle, or in aid of the success or defeat of any measure to be voted on at any election, except to some candidate at the primary or election or some political committee.

2. Takes Effect. This act shall take effect upon its passage.

[Approved August 5, 1937.]

CHAPTER 182.

AN ACT RELATING TO A STATE PRISON FARM.

SECTION

1. State prison farm.
2. Acquisition.

SECTION

3. Takes effect.

Be it enacted by the Senate and House of Representatives in General Court convened:

1. State Prison Farm. The sum of twenty-five thousand dollars (\$25,000) is hereby appropriated for the purchase and equipment of a suitable farm for use by the state prison.

2. Acquisition. The governor and council are hereby authorized and empowered to purchase such real estate and equipment as to them may seem suitable and desirable for the foregoing purpose. Such property may be acquired either by mutual agreement and sale or in accordance with the provisions of Public Laws, chapter 19, sections 18 through 28.

3. Takes Effect. This act shall take effect upon its passage.

[Approved August 5, 1937.]

CHAPTER 183.

AN ACT RELATING TO THE CONSTRUCTION OF JETTIES AT THE ENTRANCE OF RYE HARBOR IN THE TOWN OF RYE.

SECTION

1. Appropriation.
2. Expenditure.
3. Federal assistance.

SECTION

4. Funds authorized.
5. Short-term notes.
6. Takes effect.

Be it enacted by the Senate and House of Representatives in General Court convened:

1. Appropriation. A sum not exceeding one hundred fifty-four thousand dollars is hereby appropriated for the purpose of constructing two jetties at the entrance of Rye Harbor, designed to protect the ocean boulevard, provided, a grant is made by the federal government in connection therewith.

2. Expenditure. Said appropriation shall be expended under the direction of the governor and council for the construction of said jetties.

3. Federal Assistance. The governor and council are hereby authorized to co-operate with and enter into such agreements with the federal government, or any agency thereof, as they may deem advisable to secure federal funds for the purposes of this act.

4. Funds Authorized. The treasurer is hereby authorized to borrow upon the credit of the state an amount not exceeding one hundred fifty-four thousand dollars to provide the funds herein appropriated and for that purpose may issue bonds and notes, at such times, in such denominations, and with such rates of interest, dates of maturity and other provisions as the governor and council shall determine. The proceeds from the sale of such notes and bonds shall be held by the treasurer and paid out by him upon warrant drawn by the governor, with the advice and consent of the council, for the purposes herein set forth.

5. Short-Term Notes. Prior to the issuance of the notes or bonds herein provided, the treasurer, under the direction of the governor and council, may for said purposes borrow money from time to time on short-term notes, to be refunded by the issuance of said bonds or notes.

6. Takes Effect. This act shall take effect upon its passage.

[Approved August 10, 1937.]

CHAPTER 184.

AN ACT TO PROTECT TRADE-MARK OWNERS, DISTRIBUTORS AND
THE PUBLIC AGAINST INJURIOUS AND UNECONOMIC
PRACTICES IN THE DISTRIBUTION OF ARTICLES
OF STANDARD QUALITY UNDER A TRADE MARK,
BRAND OR NAME.

SECTION

1. Fair trade act.
2. Unfair competition.
3. Exception.

SECTION

4. Injunction.
5. Act named.
6. Takes effect.

*Be it enacted by the Senate and House of Representatives in
General Court convened:*

1. Fair Trade Act. No contract relating to the sale or resale of a commodity which bears, or the label or content of which bears, the trade mark, brand or name of the producer or owner of such commodity and which is in fair and open competition with commodities of the same general class produced by others shall be deemed in violation of any law of the state by reason of any of the following provisions which may be contained in such contract: That the buyer will not resell such commodity at less than the minimum price stipulated by the vendor; that the producer or vendee of a commodity require upon the sale of such commodity to another, that such purchaser agree that he will not, in turn, resell such commodity at less than the minimum price stipulated by such producer or vendee. Such provisions in any contract shall be deemed to contain or imply conditions that such commodity may be resold without reference to such agreement in the following cases:

I. In closing out the owner's stock for the purpose of discontinuing delivery of any such commodity; provided, however, that such stock is first offered to the manufacturer of such stock at the original invoice price, at least ten days before such stock shall be offered for sale to the public.

II. When the goods are damaged or deteriorated in quality, and notice is given to the public thereof.

III. By any officer acting under the orders of any court.

2. Unfair Competition. Wilfully and knowingly advertising, offering for sale, selling or disposing of any commodity at less than the price stipulated in any contract entered into pursuant to the provisions of the preceding section, whether the person so advertising, offering for sale, selling or disposing of

is or is not a party to such contract, is unfair competition and is actionable at the suit of any person injured thereby.

3. Exception. This act shall not apply to any contract or agreement between producers or between wholesalers, or between retailers as to sale or resale prices.

4. Injunction. Any person, firm, corporation or incorporated trade association may maintain an action in the superior court to enjoin a continuance of any act or acts in violation of section 2 hereof and if injured thereby for the recovery of damages. If, in such action, the court shall find that the defendant is violating or has violated any of the provisions of said section 2 it shall enjoin the defendant from a continuance thereof. It shall not be necessary that actual damages to the plaintiff be alleged or proved. In addition to such injunctive relief, the plaintiff in said action shall be entitled to recover from the defendant three times the amount of the actual damages, if any, sustained.

5. Act Named. This act may be known and cited as the "Fair Trade Act."

6. Takes Effect. This act shall take effect upon its passage.

[Approved August 10, 1937.]

CHAPTER 185.

AN ACT MAKING A FURTHER EXTENSION OF STATE FUNDS IN ORDER TO OBTAIN FEDERAL FUNDS FOR OLD AGE ASSISTANCE.

SECTION

1. Time extended.
2. Appropriations extended.

SECTION

3. Takes effect.

Be it enacted by the Senate and House of Representatives in General Court convened:

1. Time Extended. Amend section 24 of chapter 20 of the Laws of 1935, as amended by chapters 146 and 177 of the Laws of 1937, by striking out the date "August 15" and inserting in place thereof the date August 31, so that said section as amended shall read as follows: **24. Duration of Act.*** The provisions of this act shall terminate August 31, 1937, unless

*Amended, chapter 202, *post*.

the legislature shall alter or amend this act prior to that date. Upon such termination the board of welfare and relief and the directors of the divisions of said department shall cease to have the powers and duties by this act conferred upon them, and the affairs of the organization for supervision of poor relief hereby set up shall be wound up and liquidated.

2. Appropriations Extended. Any balance of funds appropriated by chapter 20 of the Laws of 1935, for the board of welfare and relief, and any balance of funds appropriated by section 25, chapter 127, Laws of 1935, for old age assistance, are hereby made available to the board of welfare and relief for the purposes of said chapters 20 and 127 for the period from August 15 to August 31, 1937.

3. Takes Effect. This act shall take effect as of August 15, 1937.

[Approved August 12, 1937.]

CHAPTER 186.

AN ACT RELATING TO MARRIAGE.

SECTION	SECTION
1. Marriage certificates.	3. Takes effect.
2. Exception.	

Be it enacted by the Senate and House of Representatives in General Court convened:

1. Marriage Certificates. Amend chapter 286 of the Public Laws by adding the following new sections: **22-a. Blood Test Required.** No application for a marriage license shall be accepted by any town clerk until there shall be in the possession of such town clerk a statement or statements signed by a licensed physician that each applicant has submitted to a Wassermann or Kahn or other similar standard laboratory blood test and that, in the opinion of such physician, the person is not infected with syphilis or in a stage that may become communicable and such statements shall be accompanied by a record of the standard laboratory blood tests made, which record shall contain the exact name of such applicant. A standard laboratory blood test shall be a laboratory test for syphilis approved by the state department of health and shall be performed by said department on request of a licensed physician

or at a laboratory approved by it, such test to be made not more than thirty days before the issuance of the marriage license. **22-b. Penalty.** Any person failing to comply with the provisions of the foregoing section shall forfeit sixty dollars for each such failure. The certificate filed with the city or town clerks shall not be considered as part of the marriage record but a confidential report.

2. Exception. Amend section 24 of chapter 286 of the Public Laws by striking out the whole thereof and substituting in place of it the following: **24. Shortening Period; Blood Test Waived.** On application to a justice of the superior court, or judge of probate within the county where the proposed marriage is to be solemnized, the court for good cause shown may order that the period of five days provided in the preceding section be shortened as in the order provided and for like cause such judge may waive the provisions of section 22-a above.

3. Takes Effect. This act shall take effect October 1, 1938. [Approved August 12, 1937.]

CHAPTER 187.

AN ACT PROVIDING FOR A CONSTITUTIONAL CONVENTION.

SECTION

1. Delegates, election.
2. Eligibility.
3. Number.
4. Secretary of state, duties.
5. Organization.

SECTION

6. Books and papers.
7. Amendments.
8. Compensation.
9. Appropriation.
10. Takes effect.

Be it enacted by the Senate and House of Representatives in General Court convened:

1. Delegates, Election. At the election in the several towns to be holden on the second Tuesday of March, 1938, and at a special election in the several cities to be holden on the same day, delegates to a convention to revise the constitution shall be chosen and an article therefor shall be inserted in the warrants calling said meeting; and all the laws relating to the election of representatives to the general court, so far as the same may be applicable, shall apply to the election of delegates except as herein otherwise provided.

2. ———, Eligibility. Any person shall be eligible to a

seat in the convention who by the laws of this state is a qualified voter in the town or ward from which he may be elected.

3. ———, Number. Delegates shall be proportioned as representatives to the general court are, except that each town shall be entitled to at least one delegate.

4. Secretary of State, Duties. The secretary of state shall prepare and furnish to the towns and wards necessary material, including certificates of election, for a record of the choice of all delegates.

5. Organization. The delegates chosen shall assemble in convention at the capitol in Concord on the second Wednesday of May, 1938, at noon, and shall proceed to organize by choosing one of their number by ballot to serve as president, and such other officers as they deem necessary; they shall be the judges of election and returns of their own members, and may establish rules of proceedings and proceed to recommend constitutional amendments.

6. Books and Papers Furnished. The secretary of state shall furnish to the convention such books, papers, stationery and printing as the convention shall require or order.

7. Amendments. Such amendments to the constitution as are agreed to by the convention shall be submitted so that they can be voted on by the people separately or by groups, as the convention may determine; the convention shall prescribe the time and mode of submitting amendments to the people for their approval and provide for ascertaining their decision and publishing the same by executive proclamation, and may do any and all other things necessary to carry out the purposes of the convention.

8. Compensation. Each delegate shall receive three dollars a day for his attendance on the convention and the same allowance for mileage as is provided for members of the general court.

9. Appropriation. A sum not exceeding twenty-five thousand dollars is hereby appropriated for paying the expenses of said convention and the governor is authorized to draw his warrant for so much of said sum as may be necessary for its expenses.

10. Takes Effect. This act shall take effect upon its passage.

[Approved August 12, 1937.]

CHAPTER 188.

AN ACT RELATING TO THE GENERAL PROVISIONS OF THE FISH AND
GAME LAWS, PROPAGATION OF FISH AND GAME, LICENSES,
REGISTRATION OF GUIDES, AND SPECIAL PROVISIONS
RELATIVE TO FISHING IN CERTAIN WATERS.

SECTION

1. Director of fish and game.
2. Conservation officers.
3. Definition.
4. Prohibition.
5. Night hunting.
6. Damage by wild birds or
wild animals.
7. Repeal.
8. Penalties.
9. Deer.
10. Residents.
11. Non-residents.
12. Bag limit.
13. Game birds.
14. Amendment.
15. Traps.
- 15-a. Navigable waters.
16. Requirements.
17. Penalties.

SECTION

18. Additional open season.
- 18-a. Penalties.
19. Game refuges.
20. Adoption and posting.
21. Requirements.
22. Licenses.
23. Fur buyers.
24. Penalties.
25. Licenses to hunt and fish.
26. Licensees to furnish informa-
tion.
27. Guides.
28. Brook trout, Mirror Lake.
29. Closed to all fishing.
30. Closed to all fishing.
31. Closed to all fishing.
32. Closed to all fishing.
33. Ice fishing.
34. Takes effect.

*Be it enacted by the Senate and House of Representatives in
General Court convened:*

1. Director of Fish and Game. Amend section 10 of chapter 196 of the Public Laws, as inserted by section 1, chapter 123 of the Laws of 1935, by adding at the end of said section the words, except that he shall have the power to close to hunting any area in which it is, in his opinion, dangerous to human life to hunt therein because of people working thereon, so that said section as amended shall read as follows: **10. Powers and Duties.** It shall be the duty of the director to protect, propagate and preserve the fish, game and fur-bearing animals of the state, and to enforce, by proper action and proceedings, the laws of this state relating thereto. It shall also be the duty of the director to protect and conserve the non-game birds of the state. He shall have the power and authority necessary to execute his duties. He shall not have the power to close any open season for the taking of game, nor the power to close any open season for the taking of fish for a period exceeding thirty days in any calendar year, nor to change the bag and creel limit, but, subject to these limitations, he shall have the power and authority to make and enforce rules and regulations

for the protection, propagation and preservation of the fish, game and fur-bearing animals in the state when, after investigation, he shall find that such action is necessary to insure the preservation or perpetuation of any kind of fish, game or fur-bearing animals, or the maintenance of an adequate supply thereof, except that he shall have the power to close to hunting any area in which it is, in his opinion, dangerous to human life to hunt therein because of people working thereon.

2. Conservation Officers. Amend section 18 of said chapter 196 by adding after paragraph X the following new paragraph: **XI. Fires.** It shall be the duty of all such conservation officers, while in and about the forests, to caution persons of the danger from fires in the forests, and to extinguish a fire left burning, if in their power. They shall give notice to all parties interested when possible, and to the forest fire warden in particular, of fires threatening to extend beyond control. Pending the arrival of such fire warden, they shall assume all his lawful powers.

3. Definition. Amend the definition of resident in section 1 of chapter 197 of the Public Laws, as inserted by section 1 of chapter 124 of the Laws of 1935, by striking out the whole of said definition and inserting in place thereof the following: **Resident.** A citizen of the United States who has lived and made his home continuously within the state not less than six months next prior to his application for a license and who has not during that period claimed a residence in any other state for any purpose.

4. Prohibition. Amend section 6 of said chapter 197 by striking out the whole of said section and inserting in place thereof the following: **6. Automobiles.** No person shall take wild birds or wild animals from an automobile, vehicle, boat or craft of any kind propelled by any mechanical power. The presence of any person possessed of a loaded rifle, shotgun or game getter in such automobile, vehicle, boat or craft, shall be *prima facie* evidence that he has violated the provisions of this section. A loaded rifle, shotgun or game getter shall include any rifle, shotgun or game getter with a magazine or clip in which there are loaded cartridges.

5. Night Hunting. Amend said chapter 197 by inserting after section 3 the following new section: **3-a. Prohibited Devices.** No person shall have in his possession, while hunting

any wild bird, or wild animal, including bear, any jack or artificial light, swivel, pivot or set gun, except as otherwise permitted. Any person convicted of illegal night hunting shall forfeit such firearms, jacks or other equipment used or usable in the illegal night hunting at the time of such violation.

6. Damage by Wild Birds or Wild Animals. Amend section 24 of said chapter 197 by striking out all of said section and inserting in place thereof the following: **24. Killing by Land Owner.** A person may pursue, wound or kill, on land owned or occupied by him, any wild bird or wild animal, which he finds in the act of doing actual and substantial damage to his property, and he may authorize a member of his family or a person employed by him, to do so.

7. Repeal. Section 39 of said chapter 197, relative to time limits in trapping bobcat or lynx is hereby repealed.

8. Penalties. Amend section 46 of said chapter 197 by striking out all of said section and inserting in place thereof the following: **46. Penalties.** A person who violates a provision of this chapter shall be fined as follows: For each violation of sections 2 to 4 inclusive, and sections 6 to 9 inclusive, ten dollars, and five dollars additional for each fish, bird or animal, or part thereof bought, sold, offered for sale or transported contrary to the provisions thereof; for each violation of sections 5, 10, 11, 12, 13, 17, 18, 19, 25, 32 and 33, not more than fifty dollars; for each violation of any rule or regulation of the director, except as otherwise provided in this title, ten dollars; and for each violation of any provision on this title for which a penalty is not otherwise provided, ten dollars.

9. Deer. Amend chapter 198 of the Public Laws, as inserted by section 2 of chapter 124 of the Laws of 1935, by adding after section 7 the following new section: **7-a. Buying or Selling.** No person shall buy, sell, offer or expose for sale a deer or part thereof, except the head, hide or feet.

10. Residents. Amend section 8 of said chapter 198 by striking out all of said section and inserting in place thereof the following: **8. Transportation of Deer.** A resident of the state may transport within the state, during the open season therefor and for ten days thereafter, a deer legally taken by him, when accompanied by him and open to view, and to which the deer coupon on his license has been attached, as provided in sections 12 and 13 hereof. If said deer or carcass thereof

be placed in the custody of a licensed common carrier, it shall, in addition to said coupon, have attached thereto a tag, plainly marked, with the name of the consignor, the name of the consignee, the point of shipment, and the destination.

11. Non-residents. Amend section 9 of said chapter 198 by striking out all of said section and inserting in place thereof the following: **9. Transportation of Deer.** The holder of a non-resident license may transport within the state or from a point within the state to a point outside the state, a deer legally taken by him, when accompanied by him and open to view, and to which a deer coupon has been attached, as provided in section 12 hereof. If such deer or carcass thereof be placed in the custody of a licensed common carrier, it shall, in addition to said coupon, have attached thereto, a tag plainly marked with the name of the consignor, the name of the consignee, the point of shipment, and the destination. The agent of said common carrier shall see that the coupon attached to said deer, or carcass thereof, bears the same number as the license held by the licensee.

12. Bag Limit. Amend section 2, chapter 199 of the Public Laws as inserted by section 3 of chapter 124 of the Laws of 1935 by striking out said section and inserting in place thereof the following: **2. Pheasants.** Male pheasants may be taken and possessed except in the counties of Coos and Carroll from November first to November eleventh. No person shall take more than one male pheasant in one day nor more than four male pheasants in one season.

13. Game Birds. Amend said chapter 199 by adding after section 10 the following new section: **10-a. Quail.** Quail may be taken and possessed from October first to October thirty-first. No person shall take more than three quail in one day.

14. Amendment. Amend section 3 of said chapter 199 by striking out, after the word "plover" in the second line thereof, the words "and quail" so that as amended said section shall read as follows: **3. Wood Ducks, etc.** There shall be no open season for wood duck, European partridge, upland plover.

15. Traps. Amend section 7 of chapter 200 of the Public Laws as inserted by section 4, chapter 124, Laws of 1935, by striking out all of said section and inserting in place thereof the following: **7. Visiting.** A person shall visit his traps at

least once in each calendar day but such visiting hours shall be between one-half hour before sunrise and one-half hour before sunset only.

15-a. Navigable Waters. Amend section 6 of chapter 200 of the Public Laws, as inserted by section 4, chapter 124, Laws of 1935, by inserting after the word "occupant" in the third line the words, except upon land covered by a stream navigable by a boat, so that said section as amended shall read as follows:

6. Setting Traps. No person shall set or arrange any trap upon any land of which he is not the owner or occupant, except upon land covered by a stream navigable by a boat, until he shall have secured from the owner or occupant a permit in writing signed by said owner or occupant, and until he shall have filed with the director a copy thereof, together with a description of the land on which trapping is to be done. All metal traps shall have stamped or engraved thereon, in a legible and permanent manner, the name of the person setting them. No person shall set or arrange any trap in a public way, cart road, or path, commonly used as a passage way by human beings or domestic animals.

16. Requirements. Amend section 9 of said chapter 200 by striking out the whole of said section and inserting in place thereof the following: **9. Protection of Bear Traps.** A person who sets or causes to be set a bear trap, shall build in a suitable manner, and maintain around the same, a railing or guard not less than three feet high, and shall post not less than two painted signs, with the words "Bear Trap" thereon in letters not less than three inches in height, on such railing or guard.

17. Penalties. Amend section 13 of chapter 200 by striking out the whole of said section and inserting in place thereof the following: **13. Penalties.** A person who violates a provision of this chapter shall be fined as follows: For each violation of sections 1 to 8 inclusive, not more than ten dollars and not more than five dollars additional for each otter, mink, muskrat, skunk, raccoon, or fox taken or possessed contrary to the provisions thereof, and not more than fifty dollars additional for each beaver, sable, marten or fisher so taken or possessed; for each violation of sections 9 and 10, not more than five hundred dollars, and such person shall be liable for twice the amount of the damage caused by his act, to be re-

covered by the person or his estate sustaining the injury or loss; and for each violation of section 11, not more than fifty dollars.

18. Additional Open Season. Amend section 1 of chapter 201 of the Public Laws as inserted by section 5, chapter 124 of the Laws of 1935 by adding at the end thereof the following: Brook trout, ten inches and over, may be taken in lakes and ponds, where trolling is permitted for lake trout and salmon, from April fifteenth to May first in addition to the regular season therefor, so that said section as amended shall read as follows: **1. Brook Trout.** Brook trout may be taken and possessed from May first to September first, and during the month of September by the use of artificial flies only, in Coos, Grafton and Carroll counties. Brook trout may be taken and possessed from May first to August first, and during the month of August by the use of artificial flies only, in all of the other counties in the state. No person may take or possess brook trout less than six inches in length. No person may take more than twenty-five in number nor more than five pounds in weight when taken, in one day provided so long as he has taken less than five pounds he shall be entitled to one additional fish. No person may have in his possession at one time a total of more than two days' legal catch of brook trout. Brook trout, ten inches and over, may be taken in lakes and ponds, where trolling is permitted for lake trout and salmon, from April fifteenth to May first in addition to the regular season therefor.

18-a. Penalties. Amend section 26 of said chapter 201 by striking out said section and inserting in place thereof the following new section: **26. ———.** A person who violates a provision of the preceding sections shall be fined as follows: For each violation of sections 1 to 15 inclusive, not more than ten dollars, and not more than five dollars for each fish taken, possessed, bought or sold in violation thereof; of sections 16 to 20 inclusive, not more than fifty dollars; of section 21, not more than ten dollars, and not more than five dollars for each fish taken, possessed, bought or sold in violation thereof; of sections 22, 23, 24 and 25, not less than ten and not more than fifty dollars.

19. Game Refuges. Amend chapter 202 of the Public Laws, as inserted by section 6 of chapter 124 of the Laws of 1935, by

adding after section 12 the following new section: **12-a. Penalty.** Any person found upon a state game refuge or upon any land under the control of the director, which has been established by him as an area for the propagation of game, having in his possession a loaded firearm, shall be fined not more than one hundred dollars or imprisoned not more than thirty days or both.

20. Adoption and Posting. Amend section 14 of said chapter 202 by striking out the whole of said section and inserting in place thereof the following: **14. Rules and Regulations.** The director may formulate, adopt and post such rules and regulations for the government of lands and waters under his control including state game refuges, and for the protection and propagation of fish, game and fur-bearing animals thereon, as he may deem necessary for their proper use and administration, or as may be established pursuant to agreements with the state forester or proper federal authority or lessors.

21. Requirements. Amend section 12 of said chapter 202 by striking out the whole of said section and inserting in place thereof the following: **12. Boundary Lines; Notices.** Each game refuge shall be surrounded by a well defined line, road or cleared strip of land, and in the discretion of the director, by wire at the boundary thereof. On the boundary of each such refuge, there shall be posted in conspicuous places, not more than one hundred and fifty yards apart, notices bearing the following: "State Game Refuge—Hunting is Unlawful," and such other information or rules or regulations as the director may deem advisable.

22. Licenses. Amend section 6 of chapter 203 of the Public Laws, as inserted by section 7 of chapter 124 of the Laws of 1935, by striking out the words "and fifteenth days" in the fourth line and inserting in place thereof the word, day, so that said section as amended shall read as follows: **6. Agents Accounting.** The agent shall collect a fee of fifteen cents for each license issued, from the licensee, and shall account to the director for the full face value of the licenses. He shall on the first day of each month, pay to the director the full face value of all licenses sold and shall report the names and addresses of all persons to whom licenses have been sold and such other information as may be requested on blanks to be furnished by the director.

23. Fur Buyers. Amend section 12 of said chapter 203 by inserting after the word "animals" in the third line the words, or the hides or skins of deer, so that said section as amended shall read as follows: **12. When Required.** No person, except as hereinafter provided, shall at any time engage in this state in the business of buying the furs or skins of fur-bearing animals or the hides or skins of deer, without first procuring a license so to do, and then only in accordance with the terms of such license and subject to all the provisions of this title.

24. Penalties. Amend section 22 of said chapter 203 by striking out the whole of said section and inserting in place thereof the following: **22. Penalties.** A person who violates the provisions of this chapter shall be fined not more than fifty dollars. A person who furnishes to another person, or permits another person to have or use, a license issued to himself, or changes or alters such license or coupon, or uses a license or license coupon issued to another person, or makes a false statement in an application, or knowingly guides a hunter who has not a license as provided in chapter 203-A, shall be fined not less than fifteen dollars nor more than fifty dollars, and such fine shall not be suspended.

25. Licenses to Hunt and Fish. Amend section 1 of said chapter 203 by striking out the whole of said section and inserting in place thereof the following: **1. When Required; Exhibiting.** No person except as hereinafter provided, shall at any time fish, hunt, trap, shoot, pursue, take or kill fresh water fish, wild birds or wild animals in this state, without first procuring a license so to do, and then only in accordance with the terms of such license and subject to all the provisions of this title. The licensee shall wear such license, prominently displayed, on the front of the outer garment, in a metal case, furnished by the department at the time such license is issued, or a license button as the case may be, and the same shall be subject to inspection on demand by any person.

26. Licensees to Furnish Information. Amend section 3 of said chapter 203 by striking out the whole of said section and inserting in place thereof the following: **3. Issue; Reports.** Such licenses shall be issued by the director or his agents under such rules and regulations, and in such form, as the director may prescribe, to persons sixteen years of age or over.

Licensees shall furnish information concerning fish, game or fur-bearing animals as the director may require.

27. Guides. Amend section 5 of chapter 203-A of the Public Laws, as inserted by section 8 of chapter 124 of the Laws of 1935, by striking out the word "twenty-one" in the second line and inserting in place thereof the word, eighteen, so that said section as amended shall read as follows: **5. Qualifications.** A person licensed as a guide shall be a citizen of the United States, and at least eighteen years of age. He shall furnish such recommendations as the director may require. He shall be skilled in the use, management and handling of such boats or canoes as are customarily used in camping, fishing and hunting, and shall be a safe and competent person under all circumstances to be a guide for camping, hunting or fishing parties.

28. Brook Trout, Mirror Lake. Amend paragraph II, section 2, chapter 155, Laws of 1935, as inserted by chapter 144 of the Laws of 1937, and amended by chapter 170, Laws of 1937, by adding at the end thereof the words, Mirror lake in Whitefield, so that said paragraph as amended shall read as follows: II. Long pond in Benton, Lucas pond in Northwood, Mount William pond in Weare, Nippo pond in Barrington, Mirror lake in Whitefield.

29. Closed to All Fishing. Amend paragraph IV of section 7 of chapter 155 of the Laws of 1935, as inserted by section 4, chapter 96, Laws of 1937, by inserting after the word "lake" the words, Hatchery, Bixbie or Patch brook, so called, in the town of Warren, from the Baker river to the elm tree in the Bixbie pasture, and all tributaries of same except the Hurricane brook, so that said paragraph as amended shall read as follows: IV. Fowler river, between Ted Lard's dam in Alexandria and the covered bridge on the highway around Newfound lake, Hatchery, Bixbie or Patch brook, so called, in the town of Warren, from the Baker river to the elm tree in the Bixbie pasture, and all tributaries of same except the Hurricane brook, North Branch of the Gale river and all tributaries above Littleton Water Supply dam in Bethlehem and Franconia, all tributaries of Lamb Valley pond in Dartmouth College Grant.

30. Closed to All Fishing. Amend paragraph VIII, section 7, chapter 155, Laws of 1935, as inserted by section 4, chapter 96, Laws of 1937, by inserting after the word "Bel-

mont" the words, all tributaries of Sunapee lake in the towns of Sunapee, Newbury and New London, so that said paragraph as amended shall read as follows: VIII. Sand Hill brook in Auburn, Derry and Londonderry, Smith brook in Pittsburg from the dam to the main river, Spring pond brook in Bennington, streams between Tioga, Sargent and Badger reservoirs in Belmont, all tributaries of Sunapee lake in the towns of Sunapee, Newbury and New London, all tributaries of Swift Diamond river in Dartmouth College Grant, all tributaries of Taggart brook in Peterborough.

31. Closed to All Fishing. Amend paragraph IX, section 7, chapter 155, Laws of 1935, as inserted by section 4, chapter 96, Laws of 1937, by striking out said paragraph and inserting in place thereof the following: IX. Three pond brook in Rumney, Trout brook, the inlet of Post pond in Lyme, upstream from the pond for a distance of approximately two miles to the falls, all tributaries of Tunnel stream in Benton and its tributaries of Taggart brook in Peterborough, Twitchell brook, flowing east into the Androscoggin river, West Branch watershed of the Ammonoosuc river, tributaries of Kilkenney, including the West Branch.

32. Closed to All Fishing. Amend section 7 of chapter 155 of the Laws of 1935, as amended by section 4, chapter 96, Laws of 1937, by adding after paragraph IX the following new paragraph: X. The inlet of Little Diamond pond in Stewarts-town for the distance of one hundred feet from the inlet out into the pond and fifty feet on each side of said inlet.

33. Ice Fishing. Amend chapter 155 of the Laws of 1935 by inserting after section 5-a, as inserted by chapter 14 of the Laws of 1937, the following new section: **5-b. Newfound Lake.** Newfound lake is closed to fishing through the ice except during the month of January.

34. Takes Effect. This act shall take effect upon its passage.

[Approved August 17, 1937.]

CHAPTER 189.

AN ACT TO PROVIDE FOR THE ASSESSMENT AND COLLECTION OF
AN ANNUAL STATE TAX FOR THE TERM OF TWO YEARS.

SECTION

1. Assessment and collection.

SECTION

2. Takes effect.

*Be it enacted by the Senate and House of Representatives in
General Court convened:*

1. Assessment and Collection. The sum of one million six hundred thousand dollars (\$1,600,000) shall be raised for the use of the state for the year 1937, and the sum of one million two hundred thousand dollars (\$1,200,000) shall be raised for the use of the state for the year 1938, and the state treasurer is hereby directed seasonably to issue his warrants to the selectmen of the several towns and places and to the assessors of the several cities in the state according to the apportionment of the public taxes made at the session of the legislature of 1937,* and the selectmen of such towns and places and the assessors of such cities are hereby directed to assess the sums specified in said warrants and cause the same to be paid to said treasurer on or before the first day of December, 1937, and the first day of December, 1938, and the state treasurer is hereby authorized to issue his extent for all taxes which shall remain unpaid on the dates last above-mentioned.

2. Takes Effect. This act shall take effect upon its passage.

[Approved August 20, 1937.]

CHAPTER 190.

AN ACT RELATING TO THE BONDS OF THE NEW HAMPSHIRE
WATER RESOURCES BOARD.

SECTION

1. Bonds guaranteed in whole or
in part.

SECTION

2. Takes effect.

*Be it enacted by the Senate and House of Representatives in
General Court convened:*

1. Bonds Guaranteed in Whole or in Part. Amend section 17 of chapter 121 of the Laws of 1935 entitled "An Act to

* Chapter 5, *ante*.

establish the New Hampshire water resources board," by inserting after the words "determine, the payment of" the words, the whole or any part of the, and by striking out the word "bonds" following the words "the aggregate principal amount of" and by substituting therefor the words, bonded indebtedness, and by inserting after the words "the payment of such interest or principal" the words, to the extent of such guarantee, so that as amended said section shall read as follows: **17. Bonds Guaranteed.** The governor with the advice and consent of the council is hereby authorized in the name of the state to guarantee in such manner as they may determine, the payment of the whole or any part of the principal and interest of any bonds to be issued by the corporation hereunder, whether or not the same are secured by a first, junior or other lien upon revenues from projects, provided that the aggregate principal amount of bonded indebtedness which may be so guaranteed shall not be in excess of nine hundred thousand dollars. The full faith and credit of the state shall be pledged to the performance of such guarantee by the state. In the event that the corporation shall default in payment of interest or principal upon any of the bonds so guaranteed by the state the governor with the advice and consent of the council may draw his warrant upon the treasury out of any money not otherwise appropriated for the payment of such interest or principal to the extent of such guarantee and the sums so paid shall be recoverable from the corporation.

2. Takes Effect. This act shall take effect upon its passage.

[Approved August 20, 1937.]

CHAPTER 191.

AN ACT RELATIVE TO THE REGISTRATION OF MOTOR VEHICLES BY
NON-RESIDENTS.

SECTION

1. Permits for registration by
non-residents.

SECTION

2. Takes effect.

*Be it enacted by the Senate and House of Representatives in
General Court convened:*

1. Motor Vehicles. Amend chapter 100 of the Public Laws by inserting after section 21 the following new subdivision:

Permits for Registration by Non-residents

21-a. Permits Required. No motor vehicle, trailer or semi-trailer owned by a non-resident and used for commercial or business purposes shall be registered under the provisions of chapter 100 of the Public Laws until the owner thereof has obtained a permit for such registration from the motor vehicle commissioner and has paid the required fee for such permit, provided, however, that such permit shall not be required of a resident of a state, district or country which grants to a resident of this state a like privilege of registering a motor vehicle, trailer or semi-trailer in that state, district or country without the payment of an excise, permit or other fee in addition to the registration fee.

21-b. Reciprocity. The commissioner shall determine what states, districts or countries grant such reciprocal privileges and his determination shall be final.

21-c. Fees. The amount of the fee for the permit for registration required by section 21-a shall be one-half the amount of the registration fee for such motor vehicle, trailer or semi-trailer.

21-d. Disposition of Fees. All fees received by the motor vehicle commissioner under the provisions of this subdivision shall be credited to the highway department for the maintenance of highways.

2. Takes Effect. This act shall take effect upon its passage.

[Approved August 20, 1937.]

CHAPTER 192.

AN ACT RELATIVE TO UNEXPENDED FLOOD APPROPRIATIONS FOR
THE HIGHWAY DEPARTMENT.

SECTION

1. Transfer of appropriation.

SECTION

2. Takes effect.

*Be it enacted by the Senate and House of Representatives in
General Court convened:*

1. Transfer of Appropriation. The balance of two million dollars appropriated by chapter 1 of the Laws of the special session 1936 unexpended for the construction, repair, relocation and reconstruction of highways, bridges and culverts throughout the state damaged or destroyed during the flood of March 1936 less such part thereof as the governor and council may reserve for the payment of unsettled claims thereunder is hereby transferred and designated to be used by the highway department for the construction and reconstruction of trunk lines, including bridges and culverts for the same.

2. Takes Effect. This act shall take effect upon its passage.

[Approved August 20, 1937.]

CHAPTER 193.

AN ACT PROVIDING AN APPEAL FROM THE STATE BOARD OF
HEALTH.

SECTION

1. Appeals authorized.

SECTION

2. Takes effect; application.

*Be it enacted by the Senate and House of Representatives in
General Court convened:*

1. Appeals Authorized. Amend chapter 141 of the Public Laws, as amended by chapter 11, Laws of 1933, by adding after section 19-a the following section: **19-b. Appeal.** Any person aggrieved by any decision, regulation, ruling or order made by the state board pursuant to the provisions of section 19-a, shall have the right to appeal at any time within thirty days from the time when such decision, regulation, ruling or order shall become effective, to the superior court for a review of said decision, regulation, ruling or order, by a petition for *certiorari*. Pending review, such decision, regulation, ruling or

order shall be and remain in force unless justice shall require its suspension. Upon hearing, the burden of proof shall be upon the party seeking relief, and in addition to the record all evidence relative to the issues shall be received and considered. Such final order or decree shall be entered as justice may require, but the decision, regulation, ruling or order under review shall not be set aside, quashed or modified, except for errors of law, unless it shall appear by a clear preponderance of evidence that such decision, regulation, ruling or order is unjust or unreasonable.

2. Takes Effect; Application. This act shall take effect upon its passage and, subject to the limitation herein contained shall also apply to decisions, rulings, orders, or regulations made not more than ninety days before the passage of this act.

[Approved August 20, 1937.]

CHAPTER 194.

AN ACT RELATIVE TO EQUIPMENT OF TRAILERS AND SEMI-TRAILERS.

SECTION

1. Required equipment.
2. Truck inspection regulations.

SECTION

3. Takes effect.

*Be it enacted by the Senate and House of Representatives in
General Court convened:*

1. Required Equipment. Amend section 4-a of chapter 103 of the Public Laws, as inserted by chapter 81 of the Laws of 1937 by striking out said section and inserting in place thereof the following: **4-a. Trailers and Semi-Trailers.** No motor vehicle trailer or semi-trailer, the weight of which including its load is fifteen hundred pounds or more, except wood-sawing machines, cement mixers, refreshment booths on wheels towed not more than two miles at any one time on the highways of this state and devices of two wheels used by public utilities for the transportation of cables or poles, not to exceed three in number, and trailers used in the transportation of live stock for exhibition, breeding, racing and riding purposes, not exceeding twenty-four hundred pounds in weight, shall be operated on the highways of this state unless

equipped with adequate brakes in good working order and sufficient to control the said vehicle at all times when the said vehicle is in use.

2. Truck Inspection. Amend said chapter 103 of the Public Laws by inserting after section 4-a as hereinbefore amended the following: **4-b. Application of Regulations.** Rules and regulations prescribed by the motor vehicle commissioner pertaining to truck brake inspections shall apply to brakes on trailers and semi-trailers.

3. Takes Effect. This act shall take effect sixty days after its passage.

[Approved August 20, 1937.]

CHAPTER 195.

AN ACT RELATIVE TO THE TRUSTEES OF STATE INSTITUTIONS.

SECTION

1. Trustees of state institutions.

SECTION

2. Takes effect.

Be it enacted by the Senate and House of Representatives in General Court convened:

1. Trustees of State Institutions. Amend section 2 of chapter 9 of the Public Laws by striking out said section and inserting in place thereof the following: **2. Appointment.** There shall be a board of seven trustees for each of said five institutions, the appointed members of which shall serve without pay but shall be allowed their reasonable expenses. Five members of each board shall be appointed by the governor and council for terms of five years. They may be either men or women. Vacancies in the boards shall be filled by the governor and council for the unexpired term. Any appointed member of said boards may be removed by the governor and council at any time for cause. The governor and such member of the council as he may appoint shall be *ex-officio* members of each of said boards of trustees. The chairman of each board shall be one of the five appointed members, and shall be elected annually by the board. Services rendered by any member of the council in carrying out any of the provisions of this chapter shall be considered as the performance of his duty as counselor.

2. Takes Effect. This act shall take effect upon its passage.

[Approved August 20, 1937.]

CHAPTER 196.

AN ACT PROVIDING FOR SPECIAL LICENSES FOR FIRST CLASS RESORT HOTELS.

SECTION

1. Special licenses for resort ho-
tels.

SECTION

2. Takes effect.

*Be it enacted by the Senate and House of Representatives in
General Court convened:*

1. Licenses for Resort Hotels. Amend chapter 3 of the Laws of the special session of 1934 by inserting after section 19 the following new section: **19-a. Special.** Any *bona fide* guest of a first class resort hotel, licensed under the provisions of section 19, may be served with beverages or liquor in any room of said hotel designated by the commission under a special license therefor, provided said room shall not have an entrance upon any public way. The commission shall have control of said special licenses to grant, regulate, suspended or revoke the same entirely separate from any other licenses which may be granted to said hotel. The fee for such special license shall be one hundred dollars per year.

2. Takes Effect. This act shall take effect upon its passage.

[Approved August 20, 1937.]

CHAPTER 197.

AN ACT RELATIVE TO THE SALE OF LIQUOR BY CLUBS.

SECTION

1. Sale of liquor by clubs.

SECTION

2. Takes effect.

*Be it enacted by the Senate and House of Representatives in
General Court convened:*

1. Sale of Liquor. Amend section 22 of chapter 3 of the Laws of the special session of 1934 by striking out the words "not for profit" in the eighth line and inserting in place there-

of the words, for a reasonable profit to be determined by the commission, so that said section as amended shall read as follows: **22. Clubs.** In towns and cities which have accepted the provisions of this act the commission may issue licenses to clubs incorporated under the laws of the state of New Hampshire or which are affiliated with any national fraternal organization for the sale to members and *bona fide* guests, of liquor by the glass only. The club license fee shall be one hundred dollars (\$100) per annum. A licensee under this section shall sell for convenience and for a reasonable profit to be determined by the commission, and such licensee shall make a sworn return to the commission in such form as the commission in its discretion shall require once each month, showing the income from liquor sold, and the expenses properly chargeable to that part of the business of the licensee. Provided, however, that the cost of a license as provided herein may be considered as a part of the expense of selling liquor.

2. Takes Effect. This act shall take effect upon its passage.

[Approved August 20, 1937.]

CHAPTER 198.

AN ACT RELATING TO THE UNIFORMS OF THE STATE POLICE.

SECTION

1. State police insignia.
2. Penalty.

SECTION

3. Takes effect.

Be it enacted by the Senate and House of Representatives in General Court convened:

1. State Police Insignia. No person shall wear or exhibit the badge, button, emblem, decoration, insignia or uniform of the state police or shall wear or exhibit a badge, button, emblem, decoration, insignia or uniform so nearly like that of the state police as reasonably to be mistaken therefor.

2. Penalty. Any person violating the provisions of the foregoing section shall be fined not more than five hundred dollars or imprisoned not more than six months or both.

3. Takes Effect. This act shall take effect upon its passage.

[Approved August 20, 1937.]

CHAPTER 199.

AN ACT RELATING TO TRANSPORTATION OF PUPILS ATTENDING
APPROVED PRIVATE SCHOOLS.

*Be it enacted by the Senate and House of Representatives in
General Court convened:*

SECTION		SECTION
1. Transportation of pupils in private schools.	|	2. Takes effect.

1. Transportation. Amend chapter 117 of the Public Laws by inserting after section 7, as amended by chapter 76 of the Laws of 1933, the following new section: **7-a. Pupils in Private Schools.** Pupils attending approved private schools, up to and including the ninth grade, shall be entitled to the same transportation privileges within any town or district as are provided for pupils in public schools.

2. Takes Effect. This act shall take effect upon its passage.

[Approved August 20, 1937.]

CHAPTER 200.

AN ACT RELATING TO HOTEL AND CABIN LABOR.

SECTION		SECTION
1. Hours of labor.	|	2. Takes effect.

*Be it enacted by the Senate and House of Representatives in
General Court convened:*

1. Hours of Labor. Amend section 14 of chapter 176 of the Public Laws, as amended by chapter 36 of the Laws of 1937, by striking out the words, "hotel, cabin" and inserting in place thereof the following, hotel and cabin including dining and restaurant service operated in connection therewith and incidental thereto, so that said section as amended shall read as follows: **14. Females, Minors.** No female, or minor under eighteen years of age, shall be employed or permitted to work at manual or mechanical labor in any manufacturing establishment more than ten hours in any one day, or more than forty-eight hours in any one week. No female, or minor under eighteen years of age, shall be employed or be permitted to work at manual or mechanical labor in any other employ-

ment, except household labor and nursing, domestic, hotel and cabin including dining and restaurant service operated in connection therewith and incidental thereto, and boarding-house labor, operating in telegraph and telephone offices and farm labor, more than ten and one-quarter hours in any one day, or more than fifty-four hours in any one week.

2. Takes Effect. This act shall take effect upon its passage.

[Approved August 20, 1937.]

CHAPTER 201.

AN ACT RELATIVE TO THE TIME OF PAYMENTS FOR SERVICES TO STATE EMPLOYEES.

SECTION

1. Change in time for payments
to state employees.

SECTION

2. Takes effect.

Be it enacted by the Senate and House of Representatives in General Court convened:

1. Change in Time. Amend section 44 of chapter 15 of the Public Laws by striking out said section and inserting in place thereof the following: **44. Payment for Services.** All persons performing work in the service of the state of New Hampshire shall be paid their compensation at such intervals not more often than weekly as the comptroller with the approval of the governor and council shall determine.

2. Takes Effect. This act shall take effect upon its passage.

[Approved August 20, 1937.]

CHAPTER 202.

AN ACT RELATING TO PUBLIC WELFARE.

SECTION

DEPARTMENT OF PUBLIC WELFARE.

1. Department created.
2. Board of public welfare.
3. Duties of board.
4. Commissioner.
5. Duties.
6. Duties of department.
7. Probation duties of commissioner.
8. Settlement.
9. Liability for support.
10. Eligibility for assistance.
11. Designations.
12. Definitions.
13. Amount of assistance.
14. Application for assistance.
15. Investigation.
16. Granting of assistance.
17. Funeral expenses.
18. Appeal.
19. Recovery.
20. Fraudulent acts.
21. Reimbursements of fund by counties and towns.
22. Local administration.
23. Public assistance fund created.
24. Appropriation.
25. Equalization.
26. Agencies abolished.
27. State veterans' service officer.

SECTION

28. Voting rights not affected.
 29. Summons of witnesses.
 30. Acceptance of funds.
 31. Assignability of assistance.
 32. Guardian.
 33. Assistance exclusive.
 34. Claims and liens against estates.
 35. Assignment of property.
 36. Legal proceedings.
 37. Reports by counties and towns.
 38. Notes authorized.
 39. Giving liquor to one receiving assistance.
 40. Repeal.
 41. Takes effect.
- STATE BOARD OF WELFARE AND
RELIEF.
42. Extension of act.
 43. Grants for direct relief.
 44. Direct relief, appropriation.
 45. Disposition of emergency relief fund.
 46. Rate of reimbursement for old age assistance.
 47. Appropriation.
 48. Bonds and notes authorized.
 49. Accounts.
 50. Disposition of proceeds.
 51. Takes effect.

Be it enacted by the Senate and House of Representatives in General Court convened:

Department of Public Welfare

1. Department of Public Welfare. There is hereby created a department of public welfare, hereinafter referred to as the department, which shall consist of a board of public welfare, a commissioner of public welfare, and such other officials and employees as may be hereinafter authorized.

2. Board of Public Welfare. The board of public welfare, hereinafter referred to as the board, shall consist of three members, not more than two of whom shall be of the same political party, to be appointed by the governor, with the advice and consent of the council, on the basis of recognized interest in and knowledge of the problems of public assistance and public welfare, for a term of three years, except the first

board whose members shall be appointed as follows: One for one year, one for two years and one for three years. The governor shall designate the chairman. Members of the board of public welfare shall be paid eight dollars per day, each, for such time as they are actually engaged in the service of the state and their actual expenses. Each member shall continue in office until his successor has been appointed and qualified. If a vacancy shall occur in said board it shall be filled for the remainder of the term. Any member of said board may be removed by the governor and council at any time for cause.

3. Duties of the Board. It shall be the duty of the board to supervise and direct the department that its duties herein defined be effectuated, and to make such rules and regulations, and take action necessary or desirable to carry out the provisions of this subdivision. Such rules and regulations shall be binding upon the counties and towns.

4. Commissioner. Said board shall appoint a commissioner of public welfare hereinafter referred to as the commissioner who is a citizen of the United States and of the state of New Hampshire and whose salary shall be four thousand dollars per year. He shall serve during the pleasure of the board.

5. Duties; Commissioner. The commissioner shall serve as the executive and administrative officer of the department and shall be responsible for its management. He shall serve as clerk of the board. The commissioner shall appoint such personnel as may be necessary for the efficient performance of the duties prescribed in this act and shall prescribe their duties. Such personnel shall be appointed on a merit basis in accordance with objective standards as approved by the governor and council. The commissioner shall have the authority to establish such divisions within the department as may be necessary for efficient administration and may allocate and re-allocate functions among divisions within the department.

6. Duties; Department. Except as otherwise provided by law, the duties of the department with respect to the public assistance and welfare activities of the state shall be as hereinafter prescribed, for which funds appropriated for the general purposes of this subdivision may be expended:

I. General. Develop plans to provide assistance to needy aged, blind, deaf, tuberculous persons and dependent

children; administer or supervise the administration of these activities, the activities of the state's veteran officer, child welfare services, social service index and other activities herein-after mentioned.

II. Child Welfare Service. Develop and administer state responsibilities for child welfare; supervise the administration of the same by county and town officials, and may administer directly such child welfare activities. Child welfare activities shall include: Protection and care of homeless, dependent and neglected children, and children in danger of becoming delinquent; co-operation with state and other institutions for children, including investigation and follow up services; services and care of children in foster homes; and all other child welfare activities authorized by law; provided, however, that nothing in this subdivision shall be construed as authorizing any public official, agent, or representative, in carrying out any of the provisions of this subdivision, to take charge of any child over the objection of either of the parents of such child, or of the person standing *in loco parentis* to such child, except pursuant to a proper court order.

III. Institutional Supervision. Inspect all public and supervise and license all private institutions and private boarding homes providing assistance, care or other direct services to children who are neglected, delinquent, defective, or dependent, as well as to the aged, blind, feeble-minded and other dependent persons.

IV. Blind. Develop or co-operate with other agencies in providing services to the blind, including the locating of blind persons, medical service for eye conditions, vocational guidance and training of the blind, placement of blind persons in employment, instruction of the adult blind in their homes, other services to blind persons, and a program for the prevention of blindness. In connection with assistance to needy blind persons the department shall give due consideration to the special needs associated with the condition of blindness and shall: (a) Promulgate rules and regulations stating in terms of ophthalmic measurements the amount of visual acuity which an applicant may have and be eligible for assistance; (b) establish the procedure for securing competent medical examinations; (c) designate or approve a suitable number of ophthalmologists or physicians skilled in diseases of the human eye, who

must be duly licensed to practice medicine and actively engaged in the treatment of such diseases, to examine applicants and recipients of aid; (d) fix the fees to be paid for medical examination from funds available to the department.

V. Medical Care. In co-operation with state health authorities and county and local officials, develop and administer a plan for providing medical or other remedial care.

VI. Co-operation; State, Local. Co-operate with other departments, agencies and institutions, both state and local, in performing services in conformity with the purposes of this subdivision.

VII. Co-operation; Federal. Co-operate with the federal government in carrying out the purposes of the Federal Social Security Act, and in other matters of mutual concern pertaining to public welfare, child welfare services and public assistance, including the adoption, so far as is consistent with the provisions hereof, of such methods of administration as are found by the federal government to be necessary for the efficient operation of the plan for such public assistance and welfare services.

VIII. Reports; Federal. Make such reports, in such form and containing such information, as the federal government may from time to time require, and comply with such provisions as the federal government may from time to time find necessary to assure the correctness and verification of such reports.

IX. Transients. Have the authority to enter into reciprocal agreements with public welfare agencies in other states relative to the provision of relief or assistance to transients and non-residents, and co-operate with other state departments and with the federal government in studying labor, health, and public assistance problems involved in transiency.

X. Research. Carry on research and compile statistics relative to public welfare throughout the state including dependency, delinquency, physical or mental incapacity, and related problems; and develop plans in co-operation with other public and private agencies for the prevention as well as treatment of conditions giving rise to public welfare problems.

XI. Personnel Standards. Based upon the number of applicants and recipients in the localities, the board shall determine the number of employees necessary for the adminis-

tration of old age assistance, aid to dependent children, and aid to the blind in all administrative units, state, county and town, shall set up objective personnel standards in terms of education, training, and experience for such employees, which standards shall be the basis for selection and appointment of personnel and the board shall make rules and regulations necessary to maintain such standards.

XII. Personnel. Personnel of the board shall be citizens of the state of New Hampshire, so far as possible.

7. Commissioner, Probation Duties. If appointed by a court of competent jurisdiction, the commissioner shall perform, under the supervision of such court, the function of probation officer or agent of the court in any welfare matters which may be before the court.

8. Settlement. No person shall lose his settlement because of receiving old age assistance under the provisions of this subdivision.

9. Liability for Support; Recovery. Assistance rendered under this subdivision to anyone having in the state a father, mother, stepfather, stepmother, son or daughter whose weekly income or other resources are more than sufficient to provide a reasonable subsistence compatible with decency and health, may be recovered in an action of debt by the department in the name of the state, from either a father, mother, stepfather, stepmother, son or daughter who are declared jointly and severally liable for such assistance. Such action shall be brought by the attorney-general or the solicitor for the county in which anyone liable resides when so requested by the commissioner. Anyone against whom an order is entered requiring a person to contribute to the support of a relative who fails to comply therewith shall be deemed to be in contempt of court and may be imprisoned not less than sixty nor more than ninety days.

10. Eligibility for Assistance. Public assistance shall be granted under this subdivision to any eligible person as defined in section 12 who has not sufficient income or other resources to provide a reasonable subsistence compatible with decency and health; who has not made an assignment or transfer of property for the purpose of rendering himself eligible for such assistance at any time within five years immediately prior to the filing of his application for assistance; and who is not an

inmate of any public institution at the time of receiving assistance. An inmate of such an institution, however, may make application for such assistance but the assistance if granted shall not begin until after he ceases to be an inmate.

11. Designations. Assistance granted to aged persons shall be designated as aid to the aged; assistance granted to the needy blind shall be designated as aid to the needy blind; assistance granted to dependent children shall be designated as aid to dependent children; assistance to tuberculous persons shall be designated as aid to tuberculous persons; assistance granted in these groups shall be in the form of money payments to or with respect to needy individuals and such separate records and accounts shall be kept and other requirements met as are necessary to qualify for grants-in-aid from the federal government.

12. Definitions. (a) For the purposes hereof a person shall be eligible for aid to the aged who is seventy years of age; is a citizen of the United States; is not at the time of receiving assistance an inmate of, or receiving the necessities of life from a private charitable, benevolent or fraternal institution or home for the aged, except in the case of temporary medical or surgical care in a hospital; is not on account of his physical condition in need of continued institutional care; if a husband, has not without just cause failed to support his wife and children under the age of sixteen years, for six months or more during the ten years preceding the date of application; has not within one year preceding said application been an habitual tramp, beggar or drunkard; provided, further, that after January 1, 1940, the age limit for eligibility for such assistance shall be sixty-five years.

(b) For the purposes hereof a person shall be eligible for aid to the needy blind who has no vision or whose vision with correcting glasses is so defective as to prevent the performance of ordinary activities for which eyesight is essential. No person shall be eligible to receive such aid while receiving aid to the aged.

(c) For the purposes hereof a person shall be eligible for aid to dependent children who is a needy child under the age of sixteen who has been deprived of parental support or care by reason of death, continued absence from the home, or physical or mental incapacity of a parent, and who is living

with his father, mother, grandfather, grandmother, brother, sister, stepfather, stepmother, stepbrother, stepsister, uncle or aunt, in a place of residence maintained by one or more of such relatives as his or their home.

13. Amount of Assistance. The commissioner shall determine the amount of assistance which any person shall receive under this subdivision. The commissioner shall, however, in appropriate cases, first consult with the proper officials of counties or towns hereby required to contribute to the cost thereof. In any case due regard shall be given to the resources, necessary expenditures in each case, the conditions existing in each case and the rules and regulations made by the department, and said assistance shall be sufficient, when added to all other income and support of the case, to provide such person with a reasonable subsistence compatible with decency and health.

14. Application for Assistance. Application for assistance under this subdivision shall be made in the first instance to the commissioner or his duly authorized agent. The application shall be in writing and upon a form prescribed by the department. Except in cases of emergency no aid shall be granted until completion of the investigation herein required. Whenever an application for old age assistance is received the commissioner shall immediately give notice of such application to the selectmen of any town or the city clerk of any city wherein said applicant claims a legal settlement, or otherwise to the county commissioners of the county in which said applicant resides, and shall also notify them of any decision thereon.

15. Investigation. Whenever an application for assistance under this subdivision is received, an investigation and record shall promptly be made of the circumstances of the applicant in order to ascertain the facts supporting the application, and in order to obtain such other information as may be required by the rules of the department. The investigation shall include a visit to the home of the applicant.

16. Granting of Assistance. Upon the completion of the investigation the commissioner shall decide whether the applicant is eligible for assistance under the provisions of this subdivision and shall determine in accordance with the rules and regulations of the department the amount of such assistance

and the date upon which assistance shall begin. The commissioner shall, however, in all cases, first consult with the proper officials of counties or towns hereby required to contribute to the cost thereof. The commissioner shall notify the applicant of his decision and send a copy thereof to the proper town and county officials.

17. Funeral Expenses. On the death of the recipient reasonable funeral expenses may be paid subject to the rules and regulations of the department, if the estate of the deceased is insufficient to pay the same.

18. Appeal to the Board of Public Welfare. If an application for assistance is not acted upon within a reasonable time after the filing of the application, or is denied in whole or in part, or an award of assistance is modified or cancelled under any provision of this subdivision, the applicant or recipient may appeal to the board of public welfare in the manner and form prescribed by it. The board, upon its own motion, or upon receipt of an appeal, shall give the applicant or recipient reasonable notice and opportunity for a fair hearing.

19. Recovery. If at any time during the continuance of assistance the recipient thereof or the husband or wife of the recipient becomes possessed of any property or income in excess of the amount stated in the application, it shall be the duty of the recipient immediately to notify the commissioner of the receipt or possession of such property or income. On the death of a recipient of old age assistance, the total amount of assistance paid under this subdivision shall be allowed as a claim against the estate of such person after reasonable funeral expenses and the expenses of administering the estate have been paid. No claim shall be imposed against the real estate of a recipient of old age assistance while it is occupied as a home by a surviving spouse, or against any personal property of less than one hundred dollars in value. The federal government shall be entitled, as long as required as a condition to federal financial participation, to not more than one half of the net amount collected from the estate of a recipient of old age assistance.

20. Fraudulent Acts. Whoever knowingly obtains or attempts to obtain, or aids or abets any person to obtain assistance, to which he is not entitled, shall be fined not more than five hundred dollars or be imprisoned not more than three

months, or both, and shall reimburse the state for all assistance he may have so obtained.

21. Reimbursements of Fund by Counties and Towns. All expenditures in carrying out the purposes of this subdivision relative to old age assistance shall be made in the first instance from the public assistance fund hereby created but each county and town shall, from time to time, reimburse said fund for all assistance granted to aged persons for which such county or town is liable to the extent of twenty-five per cent thereof.

22. Local Administration. Each county or town shall pay all costs incurred by its officials when acting as authorized agents of the commissioner under this subdivision.

23. Public Assistance Fund Created. There is hereby established in the state treasury a public assistance fund which shall consist of all funds made available for the purposes of this subdivision by the federal government or the state. Within this fund there shall be established the following separate accounts: Aid to the Aged; Blind Assistance and Service; Aid to Dependent Children; Child Welfare Services; Aid to Tuberculous Persons; Assistance to the Deaf; Administration and Service. The commissioner, with the approval of the governor and council, may make transfers of state funds between accounts within the fund. Moneys shall be disbursed from this fund upon authorization of the commissioner for the purposes of this subdivision. (1) All moneys advanced to or otherwise placed at the disposal of the state by the federal government and accepted by the state under the provisions hereof, (2) all moneys received from counties or towns pursuant to the provisions hereof, (3) the sums appropriated for the department of public welfare under the act making appropriations for the state for the year ending June 30, 1939, (4) any unexpended balance of moneys appropriated for the use of the board of welfare and relief, and (5) the moneys heretofore or hereinafter appropriated to carry out the provisions of this subdivision, shall be kept by the state treasurer in said public assistance fund and paid out by him upon warrants drawn by the governor with the advice and consent of the council for the purposes of this subdivision and other purposes of the board authorized by law.

24. Appropriation. Amend chapter 167 of the Laws of

1937, the act making appropriations for the state for the year ending June 30, 1939, by striking out the paragraph making appropriations for welfare and relief and inserting in place thereof the following: For department of public welfare \$637,310.

25. Equalization. Should a county or town find that it is impossible to pay the amounts required under this subdivision, it may file a petition with the department, requesting financial aid. The department shall cause an investigation to be made of all pertinent factors relating to the financial circumstances of the petitioning county or town. The department may, with the approval of the governor and council, loan or grant to such county or town such amount as may be necessary.

26. Agencies Abolished. The state board of welfare and relief, established by chapter 20, Laws of 1935, and the state board of public welfare, established by chapter 108, Public Laws, as amended by chapter 177, Laws of 1929, are hereby abolished and all properties and records of such boards shall be transferred immediately to the department herein created. Any balance of funds or appropriations heretofore made available to the state board of welfare and relief under chapter 20, Laws of 1935, or any other act, shall be available to the department. Any provision of law not expressly repealed hereby referring to the state board of public welfare or the state board of welfare and relief shall be construed as referring to the department of public welfare.

27. State Veterans' Service Officer. The commissioner shall, with the approval of the governor and council, appoint and fix the salary of a state veterans' service officer, who shall be an honorably discharged veteran of a war in which the United States was engaged. He shall serve during the pleasure of the commissioner. The duties of the state veterans' service officer shall be to assist veterans who are residents of this state or their dependents to secure all benefits or preferences to which they may be entitled under any state or federal laws or regulations, and such other duties as may be delegated to him by the commissioner.

28. Voting Rights Not Affected. While federal funds are available the receipt of public assistance granted under the provisions hereof shall not make the recipient thereof, or any member of his family, a pauper within the terms of the elec-

tion laws of this state, nor affect his or their civil or political status in any way.

29. Summons of Witnesses. The commissioner or his duly authorized agent shall have the power to issue subpoenas for witnesses and compel their attendance and the production of papers and writings.

30. Acceptance of Funds. The governor and council are hereby authorized on behalf of the state to accept and to apply to the carrying out of the purposes of this subdivision all moneys that may be advanced to, or otherwise placed at the disposal of, the state by the federal government or any of its agencies for the purposes of this subdivision. Said funds shall be disbursed by the commissioner.

31. Assignability of Assistance. All assistance given hereunder shall be inalienable by any assignment or transfer and shall be exempt from levy or execution under the laws of this state.

32. Guardian. If the person receiving old age assistance is, on the testimony of reputable witnesses, found incapable of taking care of himself or his money, the commissioner may make the payments of such assistance to any responsible person, guardian or corporation for his benefit.

33. Assistance, Exclusive. No person receiving old age assistance under this subdivision shall at the same time receive any other relief from the state, or from any political subdivision thereof, except for medical and surgical assistance, and the acceptance of such relief shall operate as a revocation of old age assistance. The names of persons receiving old age assistance under the provisions of this subdivision shall not be printed in any report of the county commissioners or of the board of public welfare nor published in any state, county or town report.

34. Claims and Liens Against Estates. The total amount paid to the recipient of old age assistance under this subdivision shall be a lien upon the estate of such recipient. The commissioner shall require as a condition to granting old age assistance in any case that the applicant submit a properly acknowledged agreement to reimburse the federal government, the state and the county or town for all assistance granted. In such agreement such applicant shall assign as collateral security for such assistance such part of his personal property

as the commissioner shall demand. At any time the commissioner may execute and file with the proper registers of deeds and town clerks a certificate showing the amount of assistance paid to said person, and when so filed each such certificate shall be a legal claim against the said person and his estate and shall have the same force and effect as a judgment at law. The registers of deeds and town clerks shall keep a suitable record of such certificates without charging any fee therefor and enter thereon an acknowledgment of satisfaction upon receipt of notice thereof from the commissioner. All funds recovered under these provisions, after any necessary reimbursement to the federal government as provided in section 19, shall be allocated to the county or town and to the state in the same proportion as the assistance paid by each.

35. Assignment of Property. If the commissioner shall deem it necessary he may require as a condition to the grant or continuance of old age assistance in any case that all or any part of the property of a person applying for such aid be transferred to the board in trust as follows: Such property shall be managed by said board and the net income thereof shall be paid to such person; said board shall have the power to sell, lease or transfer such property or defend or prosecute all suits concerning it and to pay all just claims against it and to do all things necessary for the protection, preservation and management thereof. If the old age assistance of such person is discontinued during his lifetime the property thus transferred shall be returned to him subject to a lien on such property for any sums paid to him as old age assistance under this subdivision, or the remainder of such property after deducting therefrom the sums paid to him as such assistance shall be returned to him. In the event of his death, the remainder of such property, after deducting therefrom the sums paid him as old age assistance under this subdivision, shall be considered as the property of the estate of the beneficiary for administrative proceedings. The board shall execute and deliver all necessary instruments to give effect to this section.

36. Legal Proceedings. Any suit, action, petition or other legal proceeding to enforce a lien recovering any money or property from any recipient of old age assistance or his estate shall be instituted and prosecuted in the name of the state of New Hampshire, and any recovery shall be for the benefit of

and, after any necessary reimbursement of the federal government, be allocated and paid to the state and the county or town in proportion to the assistance paid.

37. Reports by Counties and Towns. The counties and towns shall, from time to time, make such reports relative to direct relief, and shall transfer to said department such records relative to old age assistance and aid to the blind, as the board may determine.

38. Notes Authorized. The state treasurer is hereby authorized, in the discretion of the governor and council, to borrow upon the credit of the state the sum of seven hundred and fifty thousand dollars (\$750,000) for the fiscal year ending June 30, 1939, and for that purpose may issue notes in the name of, and on behalf of, the state at the lowest rate of interest obtainable, in such form, such denominations, and at such times as the governor and council may determine. Such notes shall mature not later than June 30, 1939. Such notes shall be countersigned by the governor and shall be deemed a pledge of the faith and credit of the state. The secretary of state shall keep an account of all such notes countersigned by the governor, showing the number and amount of each note, the time of countersigning, the time when payable and date of delivery to the treasurer. The state treasurer shall keep an account of each note showing the number thereof, the name of the person to whom sold, the amount received for the same, the date of the sale and the time when payable. The treasurer may negotiate and sell such notes by direction of the governor and council in such manner as they may determine most advantageous to the state. The money received from the sale of notes authorized by this section shall be transferred by the state treasurer to the general funds of the state to be used for general expenditures of the state.

39. Amendment. Amend section 19 of chapter 378 of the Public Laws by striking out said section and inserting in place thereof the following: **19. Giving Liquor to One Receiving Assistance, etc.** No person shall give or otherwise furnish to a person receiving public assistance or to a person committed to a house of correction any spirituous liquor, except by permission of the keeper thereof; nor to a spendthrift or idle person under guardianship, except by permission of his guardian, nor to any minor.

40. Repeal. The following laws are hereby repealed: (1) Sections 1 to 6, inclusive, and section 8 of chapter 108 of the Public Laws, as amended by chapter 177, Laws of 1929 and chapter 148 of the Laws of 1929, section 13 of said chapter 108, as inserted by chapter 145, Laws of 1929, and amended by chapter 122, Laws of 1935, sections 14 and 14-a of said chapter 108 as inserted by chapter 145 of the Laws of 1929 and chapter 106 of the Laws of 1931, as amended by chapter 122, Laws of 1935, and sections 16, 17 and 18 of said chapter 108 as inserted by chapter 103, Laws of 1935; (2) section 4 of chapter 109 of the Public Laws; (3) chapter 91 of the Laws of 1931 and chapter 79 of the Laws of 1933, relative to interstate transportation of poor and indigent persons; (4) chapter 127 of the Laws of 1935, relative to aid to the aged; (5) sections 9 to 17, inclusive, of chapter 115 of the Public Laws, as amended by chapter 137 of the Laws of 1935, relative to county aid to the blind; and (6) sections 2 to 6, inclusive, of chapter 106 of the Public Laws, relative to binding out of children.

41. Takes Effect. The provisions of this subdivision shall take effect July 1, 1938.

State Board of Welfare and Relief

42. Extension of Act. Amend section 24 of chapter 20 of the Laws of 1935, as amended by chapters 146, 177 and 185 of the Laws of 1937, by striking out the same and inserting in place thereof the following: **24. Duration of Act; Appointment of Board.** The provisions of this act shall terminate June 30, 1938; except that the term of the incumbents of the present state board of welfare and relief shall expire August 31, 1937, and the governor with the advice and consent of the council shall appoint three members of said board for the period from August 31, 1937, to June 30, 1938.

43. Grants for Direct Relief. Amend section 9 of chapter 20 of the Laws of 1935 by striking out the same and inserting in place thereof the following: **9. Grants to Towns, Cities and Counties.** The governor and council upon order of the director of relief approved by the comptroller are hereby authorized and directed to make grants and reimbursements out of the state funds in the emergency relief fund herein provided for, to counties, cities and towns on account of money expended by them for direct relief to the extent of twenty per cent of the

amount expended by said counties, cities and towns; provided that no reimbursement shall be made on account of salaries, compensation or expenses of any county, city or town official elected or appointed under this act or any existing statute or ordinance. Provided, further, that the total of all grants or reimbursements out of state funds to said counties, cities and towns shall not exceed the sum of six hundred thousand dollars as provided in section 16-a hereof, and provided that the board shall have the right to reduce the percentage to be contributed by the state to the counties, cities and towns at any time during the duration of this act, when it shall appear that the funds provided in section 16-a hereof will not be sufficient to make grants or reimbursements to the extent of twenty per cent of the amount expended by said counties, cities and towns.

44. Direct Relief. Amend said chapter 20 by inserting after section 16 the following new section: **16-a. Appropriation.** For the purpose of supplying the funds for carrying out the purposes of this act, for the fiscal year ending June 30, 1938, relative to the state's contributions for poor relief there is hereby appropriated the sum of six hundred thousand dollars (\$600,000). The governor is authorized to draw his warrant for said sum out of any money in the treasury not otherwise appropriated.

45. Emergency Relief Fund. Amend said chapter 20 by inserting after section 16-a as inserted by the preceding section the following new section: **16-b. Disposition of.** The appropriation as provided in section 16-a shall be held by the state treasurer to the credit of a special fund to be known as the emergency relief fund and paid out by him upon warrants drawn by the governor with the advice and consent of the council for the purposes of this act alone.

46. Rate of Reimbursement. Amend section 7 of chapter 127 of the Laws of 1935 by striking out said section and inserting in place thereof the following: **7. Old Age Assistance.** The counties, cities and towns shall keep such records and accounts in relation to old age assistance as the state board of welfare and relief shall prescribe. The state, within the appropriation as provided in section 25, shall reimburse each county, city and town to the extent of not to exceed twenty-five per cent of the amount expended for assistance for each aged person which has been granted under the provisions of this act

and in accordance with the rules of the board. The board of welfare and relief is hereby authorized to disburse any funds received from the United States government for old age assistance. Claims for reimbursement shall be presented by the respective counties, cities and towns to the state board of welfare and relief at such times and in such manner as said board may prescribe.

47. Old Age Assistance. Amend section 25 of said chapter 127 by striking out the same and inserting in place thereof the following: **25. Appropriation.** There is hereby appropriated from the moneys in the state treasury not otherwise appropriated for the use of the state board of welfare and relief for the purpose of paying the state's contribution to old age assistance and state administration under this act, the sum of three hundred thousand dollars.

48. Bonds and Notes Authorized. In order to provide funds for the use of the state for general purposes the state treasurer is hereby authorized to borrow from time to time such sum or sums, not exceeding nine hundred thousand dollars (\$900,000) as the governor with the advice and consent of the council may approve and for that purpose may issue bonds and notes in the name and on behalf of the state. Such bonds and notes shall be issued at such times, in such form and denominations, at such rate of interest and at such dates of maturity as the governor and council may determine to be for the best interest of the state, provided that the maturity date of bonds and notes to the amount of seven hundred thousand dollars (\$700,000) shall not be later than June 30, 1938. Said bonds and notes shall be countersigned by the governor and shall be deemed a pledge of the faith and credit of the state. The state treasurer may negotiate and sell such bonds and notes by direction of, and in such manner as, the governor and council deem most advantageous to the state.

49. Accounts. The secretary of state shall keep an account of all such bonds and notes countersigned by the governor, showing the number and amount of each bond and note, the time of countersigning, the date of delivery to the treasurer, and the date of maturity. The state treasurer shall keep an account of each bond or note showing the number thereof, the

name of the person to whom sold, the amount received for the same, the date of the sale and the date of maturity.

50. Disposition of Proceeds. The proceeds of the sale of the bonds and notes authorized in section 48 shall be paid into the general funds of the state for use for payment of general expenditures of the state.

51. Takes Effect. The provisions of this subdivision shall take effect August 31, 1937.

[Approved August 20, 1937.]

CHAPTER 203.

AN ACT RELATING TO SUMMER REGISTRATION OF MOTOR VEHICLES.

SECTION

1. Summer registration for motor vehicles of non-residents.

SECTION

2. Takes effect.

Be it enacted by the Senate and House of Representatives in General Court convened:

1. Motor Vehicles of Non-residents. Amend chapter 102 of the Public Laws by inserting after section 3 the following new section: **3-a. Summer Registration and Fees.** A non-resident owner of a motor vehicle, which is used solely for pleasure and is not used for commercial purposes and which has not been registered for the current year in the state, district or country of which the owner is a resident, may register such vehicle for use on the highways of this state during the months of June, July, August and September, or any part of such period, in any year upon the payment of one-half the foregoing registration fees and one-half the permit fees required by chapter 100. The motor vehicle commissioner shall issue appropriate plates under such registration so designed as to be readily distinguishable from regular number plates.

2. Takes Effect. This act shall take effect upon its passage.

[Approved August 20, 1937.]

CHAPTER 204.

AN ACT RELATIVE TO THE TAXATION OF LEGACIES AND
SUCCESSIONS.

SECTION

1. Taxation of legacies and suc-
cessions.

SECTION

2. Takes effect.

*Be it enacted by the Senate and House of Representatives in
General Court convened:*

1. Taxation of Legacies and Successions. Amend section 1, of chapter 72 of the Public Laws, as amended by chapter 130 of the Laws of 1935, by striking out the whole thereof and inserting in place thereof the following: **1. Taxable Property; Rate.** All property within the jurisdiction of the state, real or personal, and any interest therein, belonging to inhabitants of the state, and all real estate within the state, or any interest therein, belonging to persons who are not inhabitants of the state, which shall pass by will, or by the laws regulating intestate succession, or by deed, grant, bargain, sale or gift, made in contemplation of death, or made or intended to take effect in possession or enjoyment at or after the death of the grantor or donor, to any person, absolutely or in trust, except to or for the use of the husband, wife, lineal descendant, or adopted child of a decedent, or for the care of cemetery lots, or to a city or town in this state for public purposes, shall be subject to a tax of eight and one-half per cent of its value, for the use of the state.

2. Takes Effect. This act shall take effect upon its passage.

[Approved August 20, 1937.]

CHAPTER 205.

AN ACT CREATING A RETIREMENT SYSTEM.

SECTION

1. Definitions.
2. Teachers' retirement system.
3. Teachers' retirement board.
4. Teachers retirement association.
5. Organization.
6. General duties of teachers' retirement board.
7. Administrative duties of board.
8. Annuity fund.
9. Payments, how credited.
10. Reserve fund.
11. Retirement.

SECTION

12. Reinstatement of member.
13. Retirement allowances.
14. Death or disability.
15. Resignation or dismissal.
16. Exemptions.
17. Administration of funds.
18. Supervision of retirement system.
19. Audit of accounts.
20. Appropriation.
21. Inconsistent acts.
22. Takes effect.

Be it enacted by the Senate and House of Representatives in General Court convened:

1. Definitions. The following words and phrases used in this act shall have the following meanings:

I. "Teacher" shall mean any teacher or principal regularly employed in public schools. It shall not include superintendents.

II. "Public school" shall mean any day kindergarten, graded or high school conducted within that part of the state in which this act is effective, as herein set forth, and supported in whole or in part by public taxation.

III. "Year" shall mean "school year" as defined by the laws of the state in force at the time the service in question was rendered.

IV. "Interest," unless herein otherwise provided, shall mean interest compounded semi-annually at such rate as shall be determined by the retirement board.

V. Whenever the word "he" appears, it shall be taken to mean either male or female.

VI. "Retirement system area" shall mean that part of the state in which the retirement system is in effect.

2. Teachers' Retirement System. I. In recognition of the public service rendered by the teachers in the public schools of this state, and as additional compensation to such teachers as avail themselves of the provisions of this act, the state of New Hampshire agrees to pay on June 30, 1938, the sum of ten thousand dollars, and on June thirtieth of each year thereafter the sum of twenty thousand dollars to the teachers' retire-

ment board hereinafter created, for the purposes hereinafter stated.

II. The retirement system hereby created shall be in effect throughout the state except in such districts as have already adopted some form of a teachers' retirement system, and shall be in effect in such districts upon the adoption of a resolution therefor by vote of such district.

3. Teachers' Retirement Board. The administration of the retirement system hereby created is hereby vested in a board to be known as the teachers' retirement board consisting of five members as follows: The bank commissioner, the commissioner of education, the state treasurer, and two members appointed by the governor and council in the manner hereinafter provided. The members of said association shall select from their number six persons from whom the governor and council shall appoint the two members hereinbefore referred to. One of said members shall serve for two years and the other shall serve for one year; and thereafter the members of the retirement association shall nominate annually from their number, in a manner approved by the retirement board, three persons from whom the governor and council shall appoint one to serve upon said board for the term of two years. Until the organization of the retirement association and the appointment of two members thereof to membership on the retirement board, the preliminary board is hereby empowered to perform all the duties of said retirement board. When a vacancy occurs in the retirement board by reason of death, resignation or inability to serve, of either of the members appointed by the governor and council, such vacancy shall be filled by the governor and council by the appointment of a member of the retirement association, to serve for such unexpired term. The members of the retirement board shall serve without compensation, but shall be reimbursed for actual and necessary travelling and other expenses and disbursements incurred or made by them in the discharge of their official duties.

4. Teachers' Retirement Association. All teachers in the public schools in the retirement system area who make application to the teachers' retirement board and agree to abide by such rules and regulations as it may prescribe, are hereby constituted the New Hampshire Teachers' Retirement Association.

5. **Organization.** The New Hampshire teachers' retirement association shall, as soon as may be after January first, nineteen hundred and thirty-eight, adopt such form of organization as shall be prescribed by the bank commissioner, the commissioner of education and the state treasurer acting as a preliminary board, and thereafter shall maintain such form of organization with such modifications thereof as may be adopted from time to time by the members of the association with the approval of the retirement board.

6. **General Duties of Teachers' Retirement Board.** The retirement board shall supervise the payment of annuities and such other payments or expenditures as are authorized by this act, and shall perform such other functions in connection therewith as are necessary to accomplish the purposes of this act; and to that end said board shall make by-laws and regulations not inconsistent with the provisions of this act. It shall employ a secretary at a salary approved by said retirement board, whose duty it shall be to keep a record of all its proceedings, and to perform such services as may be required by said retirement board.

7. **Administrative Duties of Teachers' Retirement Board.** The retirement board shall adopt mortality tables for the retirement system hereby created, and shall determine what rates of interest shall be established in connection with such tables or otherwise, under the provisions hereof. Said board may modify such mortality tables, or adopt others, and may change rates of interest once established, but shall not impair the vested rights hereunder of any member of the retirement association without the assent of such member. Said board shall establish and maintain, under competent actuarial advice, a complete system of records and accounting. Expenses of administration, including necessary expenses of the members of the retirement board shall be paid from the fund hereinafter appropriated therefor.

8. **Annuity Fund.** The annuities hereinafter provided for shall be paid by the retirement board from a fund to be known as the annuity fund which shall be constituted as follows:

I. Each member of the retirement association shall pay annually to the retirement board for the annuity fund under regulations prescribed by said board such percentage of his salary as may be determined by said board within the limits

hereinafter prescribed. The rate of assessment for each school year, except as hereinafter provided, which shall not be more than five per cent of each member's salary, shall be established by the retirement board on or before August fifteenth in each year, and notice thereof shall be given all members of the retirement association in such manner as the retirement board shall prescribe. Such rate of assessment shall be uniform, at any given time, for all members of the retirement association; provided, however, that no member shall in any one year pay to said board less than twenty-five dollars nor more than one hundred dollars, and provided further that the first assessment under this act shall be established by the board on or before March 15, 1938, and shall be one-half the amount of a total year's assessment.

II. Any member of the retirement association, who annually for thirty years shall have paid his regular assessments to said board, as above provided, shall be exempt from further payments, but such member, if he so elects, may thereafter continue to make payments to said board.

III. The retirement board shall deposit annually in the annuity fund from the money paid to it by the state an amount equal to the annual payment of each member of the association, but not exceeding one hundred dollars for any such member; provided, however, that said board shall not deposit to the credit of any one member more than thirty such payments from the money paid to said board by the state. Nor shall the total payments made by the state in any one year together with any administrative expenses, exceed the sum of twenty thousand dollars appropriated in this act.

9. Payments, How Credited. The payments made by the members of the retirement association to the retirement board shall be credited as made by such members severally in individual accounts, and at the same time each member so paying shall be credited individually with a like amount as the payment of the state. Members shall also be credited with interest on their several payments as well as the payments made by the state as aforesaid, at a rate determined by the said board.

10. Reserve Fund. The retirement board shall create a reserve fund to which shall be credited all gifts and receipts from sources other than payments by members of the association and the state, transfers from the annuity fund of pay-

ments made by the state as provided in section 15, and such surplus from interest, savings or otherwise as said board may determine, which fund shall be maintained and used, in the discretion of said board, for unforeseen contingencies, expenses of administration, or any other purposes within the scope of this act.

11. Retirement. Any member of the retirement association is entitled to the benefits of this act and may retire from service in the public schools without forfeiting any of the benefits of this retirement system, provided he has (1) served anywhere as a public school teacher for a period of thirty years, of which twenty years shall have been in this state, provided that the last five years of teaching preceding retirement shall have been in the retirement system area, and attained the age of sixty years, if a woman, and sixty-five years, if a man, (2) served as provided in (1) without attaining the age therein specified, is incapable of further rendering satisfactory service, and provided his retirement is approved by the retirement board.

12. Reinstatement of Member. Any member of the retirement association who shall have withdrawn from service in the public schools of the retirement system area may, on being re-employed in the said area, be reinstated in said association upon such terms and conditions as shall be prescribed by the retirement board.

13. Retirement Allowances. Except as otherwise provided, a member of the retirement association, who shall have retired from service in the public schools of the retirement system area, and who shall have complied with all the provisions of this act and with the rules and regulations of the retirement board shall be entitled to receive from said board (1) such annuity as his payments to said board, together with the payments made thereto for his account by the state, with interest thereon, will purchase on the basis of the mortality table adopted by said board at an interest rate determined by it, or (2) at his option, he shall be entitled to receive an annuity of less amount, as may be determined by said board for annuitants selecting such options, with the provision that if such annuitant dies before receiving payments equal to the sum of his payments and the payments of the state to said board for his account with interest, the difference between the total pay-

ments to such annuitant and the total payments by such annuitant and by the state with interest, shall be paid to such person as may be designated by such annuitant in a manner approved by the retirement board, otherwise to such annuitant's legal representative, subject to such reasonable rules and regulations as said board may prescribe.

14. Allowance in Case of Death or Disability. A member of the retirement association who shall have been an active member at least six years, and who shall have become totally and permanently disabled to teach, as determined, after examination by approved physicians, by the retirement board, shall receive an annuity based upon the accumulation of his payments and the payments of the state, with interest, calculated on the basis of the mortality table adopted by said board, with such additional allowance from the reserve fund, as said board, in its discretion, shall deem equitable, the same being limited by his earning capacity in other occupations, such additional allowance to be continued so long and in such amount as said board may determine; provided, however, that in no event shall the total sum received annually by such member under this section, including his annuity and the individual allowance provided for, exceed one-half of his average annual salary throughout his entire period of service as determined by said board. If such disabled member shall die before receiving in the form of an annuity all of the accumulations up to the time of his disability from his own and the state's annual payments into his account, the balance shall be paid to his legal representative, or to such person as he may elect, subject to such rules and regulations as may be prescribed by the retirement board.

15. Allowance in Case of Resignation or Dismissal. I. Any member of the retirement association withdrawing from service in the public schools of the retirement system area by resignation or dismissal, or upon resigning from the retirement association, before becoming eligible to retirement, shall be entitled to receive from the retirement board all payments made thereto by him with interest.

II. Payments returned as above provided shall be made in lump sums or in installments as such member may elect, subject, however, to such reasonable rules and regulations as may be prescribed by said board.

III. In case of resignation or dismissal of a member as

specified under I above, the payments made by the state, with the interest thereon, shall be transferred by said board to the reserve fund.

16. Exemptions. The payments made by a member and the state under this act, the right of a member to an annuity or allowance hereunder, and all his right in the annuity fund shall be exempt from taxation and from the operation of any laws relating to insolvency or bankruptcy, and shall not be attached or taken upon execution or other process of court. No assignment by a member of any part of such fund to which he is or may be entitled, or of any right to or interest in such fund, shall be valid unless approved by the retirement board.

17. Administration of Funds. I. All funds paid to the retirement board shall forthwith be remitted by said board to the state treasurer. Such funds as are not required for current disbursements shall be invested and reinvested by the board in accordance with the laws of the state governing the investments of savings banks.

II. The state treasurer shall make such payments to the members of the retirement association from the annuity fund as the retirement board shall order to be paid in accordance with the provisions thereof.

III. On or before the first day of August in each year, the state treasurer shall file with the bank commissioner and with the secretary of the retirement board a sworn statement exhibiting the financial condition of the annuity and reserve funds on the thirtieth day of June of each year, and the financial transactions of the retirement board for the year ending on such date. Such statement shall be in the form prescribed by said board, and shall be published with the report of the state treasurer.

18. Supervision of Retirement System. The retirement board shall cause the retirement system hereby established to be examined by a competent actuary or actuaries once in every three years, and oftener, if by it deemed necessary, and may consult an actuary at any time.

19. Audit of Accounts. The accounts of the retirement board and the books and accounts of the state treasurer as custodian of the funds of the retirement board, and the cash and securities in his hands representing such funds, shall be examined and audited annually at the time and in the manner

prescribed for the annual audit of the accounts and funds of the state treasurer.

20. Appropriation. To provide funds for the purposes of this act there is appropriated to be paid out of the treasury of the state for the period from January 1, 1938, to June 30, 1938, the sum of ten thousand dollars and for the fiscal year ending June 30, 1939, the sum of twenty thousand dollars.

21. Inconsistent Acts. All sections of the Public Laws of the state of New Hampshire and amendments thereto inconsistent with this act are hereby repealed but this act shall not repeal any special act of said state enabling any district to provide for the retirement of its teachers.

22. Takes Effect. This act shall take effect on January 1, 1938.

[Approved August 20, 1937.]

CHAPTER 206.

AN ACT RELATIVE TO CLERK HIRE IN THE OFFICES OF THE COMMISSIONERS OF HILLSBOROUGH COUNTY.

SECTION

1. Clerks, in office of county commissioners Hillsborough county.

SECTION

2. Takes effect.

Be it enacted by the Senate and House of Representatives in General Court convened:

1. Hillsborough County. Amend section 29 of chapter 38 of the Public Laws by striking out said section and inserting in place thereof the following: **29. Clerks.** The commissioners of Hillsborough county shall employ such number of clerks and agents as said commissioners deem necessary. The salary of each such clerk shall not exceed twenty-five dollars a week, payable weekly.

2. Takes Effect. This act shall take effect July 1, 1938.

[Approved August 20, 1937.]

CHAPTER 207.

AN ACT PROVIDING A DEFICIENCY APPROPRIATION FOR CERTAIN
STATE DEPARTMENTS.

SECTION

1. Appropriation.
2. Lapse; payment.

SECTION

3. Takes effect.

*Be it enacted by the Senate and House of Representatives in
General Court convened:*

1. Appropriation. The sum of two hundred twenty-four thousand five hundred seventeen dollars and ninety-five cents (\$224,517.95), is hereby appropriated to meet deficits in certain state institutions and departments as follows: For the fiscal year ending June 30, 1936, for state department, presidential primary, \$5,655.67; Industrial School, \$3,634.39; Laconia State School, \$1,117.40; state hospital, \$45,921.90; burial of soldiers and sailors, \$3,514.50; for the fiscal year ending June 30, 1937, for state department, Australian ballot, \$4,534.81; Industrial School, \$9,997.16; Laconia State School, \$1,934.37; state hospital, \$71,175.74; state house, \$2,375; burial of soldiers and sailors, \$7,817.25; department of agriculture, division of animal industry, \$11,358.50; for legislative expenses, \$55,481.26.

2. Lapse; Payment. The appropriations made in section 1 for the state house and for the department of agriculture, division of animal industry, shall not lapse until September 30, 1937. The governor is authorized to draw his warrant for the sums appropriated in the preceding section out of any money in the treasury not otherwise appropriated.

3. Takes Effect. This act shall take effect upon its passage.

[Approved August 21, 1937.]

CHAPTER 208.

AN ACT RELATIVE TO SUBSEQUENT SALES OF CERTAIN MOTOR
VEHICLES INVOLVED IN ACCIDENTS.

SECTION

1. Motor vehicle registrations.
2. Proof required for registration.

SECTION

3. Penalty.
4. Takes effect.

*Be it enacted by the Senate and House of Representatives in
General Court convened:*

1. Motor Vehicle Registrations. Amend chapter 161 of the Laws of 1937 by adding after section 10 the following new section: **10-a. Exceptions.** The provisions of section 10 forbidding the registration in the name of any person of a motor vehicle, trailer or semi-trailer shall not apply as against any holder of a lien or mortgage upon such vehicle taken before the effective date of this act or any person claiming title from such lien holder or mortgagee, provided however that this exception shall not apply to the owner of such vehicle at the time of the accident or any member of his immediate family.

2. Proof Required for Registration. In the application for the registration of a motor vehicle under the provisions of chapter 100 of the Public Laws the owner or person controlling such vehicle shall state whether there is any mortgage or lien upon such vehicle or any sum due upon the purchase price thereof and if the answer is yes said person must furnish proof of financial responsibility under the provisions of chapter 161 of the Laws of 1937 before such vehicle may be registered.

3. Penalty. Any person who shall make any false statement in his application for registration of a motor vehicle relative to the provisions of the preceding section shall be guilty of perjury.

4. Takes Effect. This act shall take effect September 1, 1937.

[Approved August 21, 1937.]

CHAPTER 209.**JOINT RESOLUTION RELATING TO THE CALLING OF A CONSTITUTIONAL CONVENTION.**

Resolved by the Senate and House of Representatives in General Court convened:

THAT at the election in the several towns and cities to be holden on the second Tuesday of March 1937, and at a special election to be held in the other cities in which a regular election is not at that time held, the selectmen of the several towns and the officers of the several cities, who are by law required to warn meetings for elections, be directed to insert in their warrants calling such meetings and elections an article which requires the sense of the qualified voters to be taken upon the following question, to wit: Is it expedient to revise the constitution? And the several clerks of such towns and cities are directed to make due return of their respective towns and cities to the legislature on or before the twenty-third day of March 1937.

[Approved February 17, 1937.]

CHAPTER 210.**JOINT RESOLUTION IN FAVOR OF CLARENCE A. WARDWELL ESTATE.**

Resolved by the Senate and House of Representatives in General Court convened:

THAT the state treasurer is hereby authorized and directed to pay to Clarence A. Wardwell estate, the full salary due Clarence A. Wardwell, late of Keene, as a member of the house of representatives.

[Approved February 17, 1937.]

CHAPTER 211.**JOINT RESOLUTION IN FAVOR OF GUY S. NEAL AND OTHERS.**

Resolved by the Senate and House of Representatives in General Court convened:

THAT Guy S. Neal, sergeant-at-arms of the house, be allowed the sum of twenty-seven dollars; that Wallace Thompson be

allowed the sum of eight dollars; that Harold Fournier be allowed the sum of twelve dollars; that Edwin Jones be allowed the sum of eight dollars; that George Simpson be allowed the sum of eight dollars; that Ross Sanborn be allowed the sum of eight dollars; that Patrick H. O'Neil be allowed the sum of twelve dollars; that Clarence J. R. Hunter be allowed the sum of five dollars; that Henry J. H. Parent be allowed the sum of five dollars; that George J. O'Neil be allowed the sum of five dollars; that Daniel Welch be allowed the sum of eight dollars; that Oscar Ronn be allowed the sum of eight dollars; that Alice V. Flanders be allowed the sum of eight dollars; that Raymond B. Lakeman be allowed the sum of twenty-seven dollars; that Benjamin H. Bragg be allowed the sum of four dollars; that William W. Allen be allowed the sum of twelve dollars; that Martin C. Ryan be allowed the sum of fifty-six dollars, in full for their services at the organization of the present senate and house, and that the governor be authorized to draw his warrant for the same on the treasury.

[Approved February 25, 1937.]

CHAPTER 212.

JOINT RESOLUTION IN FAVOR OF ESTATE OF THEODORE O. RAVENELLE.

*Resolved by the Senate and House of Representatives in
General Court convened:*

THAT the state treasurer is hereby authorized and directed to pay to the estate of Theodore O. Ravenelle, late of Nashua, the full salary due said decedent as a member of the house of representatives.

[Approved March 11, 1937.]

CHAPTER 213.

JOINT RESOLUTION IN FAVOR OF THE NEW HAMPSHIRE VETERANS' ASSOCIATION.

*Resolved by the Senate and House of Representatives in
General Court convened:*

THAT the sum of fifteen hundred dollars (\$1,500) be and hereby is appropriated for the fiscal year ending June 30,

1938, and the same amount for the fiscal year ending June 30, 1939, for necessary repairs on any buildings owned by the New Hampshire Veterans' Association at The Weirs. Said appropriation for each of the fiscal years named above shall be expended by a suitable agent to be appointed by the governor and council, and the governor is authorized to draw his warrant for the payment of said sums out of any money in the treasury not otherwise appropriated.

[Approved March 18, 1937.]

CHAPTER 214.

JOINT RESOLUTION RELATING TO PAYMENT OF BONUS IN RECOGNITION OF WAR SERVICE OF RESIDENTS OF NEW HAMPSHIRE.

*Resolved by the Senate and House of Representatives in
General Court convened:*

THAT the sum of three thousand and ninety dollars (\$3,090) is hereby appropriated for the payment of bonus to those residents of New Hampshire who would have been entitled to the bonus as provided by chapter 140 of the Laws of 1919 and chapter 1 of the Laws of the special session of 1919 and who have heretofore and since June 30, 1926, made application therefor, or who may hereafter make application therefor; and the state treasurer is hereby authorized to make payments therefor to those whose names appear on the records in the office of the adjutant-general as entitled thereto or to the legal representatives or heirs of such as have died. The sum herein appropriated shall be a charge upon the unexpended balance of the fund provided for by chapter 140 of the Laws of 1919 and chapter 1 of the Laws of the special session of 1919.

[Approved March 25, 1937.]

CHAPTER 215.

JOINT RESOLUTION AUTHORIZING THE APPOINTMENT OF A
COMMITTEE TO INVESTIGATE THE ADVISABILITY OF
HAVING AN EXHIBIT FOR THE STATE OF NEW
HAMPSHIRE AT THE NEW YORK WORLD'S
FAIR, 1939.

WHEREAS, in 1939 will be held the World's Fair in New York City, New York, at which His Excellency Herbert Lehman, Governor of New York, has requested the state of New Hampshire to participate to the extent of exhibiting the resources, industries, recreational attractions, products and general development of this state, and

WHEREAS, other states are to participate in response to similar invitations, be it therefore

Resolved by the Senate and House of Representatives in General Court convened:

THAT the governor be and hereby is authorized to appoint a committee of five members representing the agricultural, commercial, educational, industrial and recreational interests of New Hampshire, to investigate and make a report to the governor and council on the desirability of exhibiting the resources, industry, recreational attractions, products and general development of the state at the New York World's Fair, 1939, and to recommend ways and means to attain that purpose, should participation by the state be deemed advisable. All members of said committee shall serve without compensation. A sum not exceeding two hundred and fifty dollars is hereby appropriated to pay the necessary expenses of said committee, and the governor is authorized to draw his warrant for said sum out of any money in the treasury not otherwise appropriated.

[Approved March 25, 1937.]

CHAPTER 216.

JOINT RESOLUTION PROVIDING FOR THE REPRINTING OF THE LAWS OF 1927.

*Resolved by the Senate and House of Representatives in
General Court convened:*

THAT the secretary of state be and hereby is directed to cause to be printed six hundred additional copies of the Laws of 1927, four hundred of which shall be bound. The cost of the printing hereby authorized shall be a charge not to exceed one thousand dollars upon the appropriation for legislative expense.

[Approved March 25, 1937.]

CHAPTER 217.

JOINT RESOLUTION PROVIDING FOR MARKING A MONUMENT IN CEMETERY IN HUDSON.

*Resolved by the Senate and House of Representatives in
General Court convened:*

THAT the sum of twenty-five dollars (\$25) be and the same is hereby appropriated for marking the monument of James W. B. Smith and wife in Westview Cemetery in Hudson; the estate of said James W. B. Smith having been acquired by the state. The governor is hereby authorized to draw his warrant for said sum out of any money in the treasury not otherwise appropriated.

[Approved March 30, 1937.]

CHAPTER 218.

JOINT RESOLUTION IN FAVOR OF RUTH R. LEWIS.

*Resolved by the Senate and House of Representatives in
General Court convened:*

THAT the state treasurer be directed to pay to Ruth R. Lewis, widow of the late Herbert S. Lewis of Littleton, the balance of salary due said decedent as a member of the house of representatives.

[Approved March 30, 1937.]

CHAPTER 219.**JOINT RESOLUTION RELATIVE TO A COMMISSION FOR INVESTIGATION OF THE PURCHASE OF SCHOOL SUPPLIES.**

Resolved by the Senate and House of Representatives in General Court convened:

THAT the governor be and hereby is empowered to appoint a commission to consist of the commissioner of education and two other residents of the state to inquire as to the savings that can be made by the centralized purchase of school supplies, and the best methods of securing these savings. The members of said commission shall serve without pay and shall make a report of their findings and recommendations to this session of the legislature.

[Approved March 30, 1937.]

CHAPTER 220.**JOINT RESOLUTION RELATIVE TO THE ESTATE OF MARY E. GARDNER.**

WHEREAS it appears that upon settlement of the estate of Mary E. Gardner, late of Newport, in the county of Sullivan and state of New Hampshire, deceased, a balance of \$6,763.78 remained undistributed in the hands of John W. McCrillis, administrator, that the said Mary E. Gardner died June 26, 1930, that upon a petition alleging there were no known heirs of the said Mary E. Gardner said administrator was authorized by the probate court for said county on March 28, 1934, to pay said sum to the state treasurer, and did thereafter so pay the same, all by virtue of chapter 307, sections 7 and 8, of the Public Laws; and

WHEREAS it now appears that there are heirs-at-law of the said Mary E. Gardner; now therefore

Resolved by the Senate and House of Representatives in General Court convened:

THAT the judge of probate for the county of Sullivan and state of New Hampshire is hereby authorized to conduct a hearing or hearings, at which hearing or hearings any person interested may appear and present proof that he is an heir-at-law of the said Mary E. Gardner; and if such claims, or any thereof, shall be established, the treasurer of the state of New

Hampshire shall be ordered by the judge of probate for the county of Sullivan aforesaid to pay said sum, together with the accumulations thereon, and additions thereto, if any, less five per cent of the total amount thereof, being the legacy and succession tax thereon, and also less five per cent of the appraised value of the real estate hereafter mentioned, being the legacy and succession taxes thereon, to such heirs in the several amounts to which the said judge of probate shall find them entitled. When and if it shall be determined by said judge of probate that the said Mary E. Gardner was survived by heirs-at-law all rights of the state in and to any real estate which the said Mary E. Gardner owned at the time of her death shall be deemed relinquished to such heirs-at-law, and it is hereby declared that if it shall be so found the state does not and will not claim such real estate. The secretary of state is hereby authorized to send a copy of this resolution to the judge of probate for the county of Sullivan aforesaid, who, upon receipt thereof, shall act upon the same forthwith.

[Approved April 13, 1937.]

CHAPTER 221.

JOINT RESOLUTION ESTABLISHING A COMMISSION FOR THE STUDY OF OCCUPATIONAL DISEASES IN NEW HAMPSHIRE.

Resolved by the Senate and House of Representatives in General Court convened:

THAT the governor and council forthwith appoint a commission of nine persons to study occupational diseases in this state. The membership of the commission shall include three physicians, three representatives of labor and three representatives of industry in this state. Its investigation shall include a study of the types, frequency and causes of such diseases in this state, the severity and length of the disability occasioned thereby, methods of prevention and the adequacy of our compensation laws in such cases. The commission shall serve without pay and expenses and shall report its findings and recommendations to the next legislature.

[Approved April 13, 1937.]

CHAPTER 222.**JOINT RESOLUTION TO REIMBURSE THE TOWN OF LYME FOR 1936
FLOOD DAMAGE.**

*Resolved by the Senate and House of Representatives in
General Court convened:*

THAT the sum of two thousand two hundred and eleven dollars and eighty-two cents (\$2,211.82) be and hereby is appropriated to reimburse the town of Lyme for moneys paid out by said town in repairing the damage done to the bridge across the Connecticut river from said town to North Thetford, Vermont, by the floods of March, 1936. This appropriation shall be a charge on the flood funds established by chapter 1 of the Laws of the special session of 1936, and relieve the town from any expense incurred for the repairs to this bridge.

[Approved April 15, 1937.]

CHAPTER 223.**JOINT RESOLUTION IN FAVOR OF ALICE SPEAR SMALL.**

*Resolved by the Senate and House of Representatives in
General Court convened:*

THAT the state treasurer is hereby authorized and directed to pay to Alice Spear Small, widow of Ernest W. Small, late of Meredith, the full salary due said decedent as a member of the house of representatives.

[Approved April 21, 1937.]

CHAPTER 224.**JOINT RESOLUTION IN FAVOR OF MRS. WALLACE S. THOMPSON.**

*Resolved by the Senate and House of Representatives in
General Court convened:*

THAT the state treasurer is hereby authorized and directed to pay to Mrs. Wallace S. Thompson, widow of Wallace S. Thompson, the sum of one hundred ninety-one dollars and forty cents (\$191.40) in full for services and mileage due said decedent as an attache of the house of representatives.

[Approved April 21, 1937.]

CHAPTER 225.**JOINT RESOLUTION IN FAVOR OF LUCIEN WORTHEN.**

Resolved by the Senate and House of Representatives in General Court convened:

THAT the sum of six hundred seventy-eight dollars and fifty cents (\$678.50) be and hereby is allowed and paid to Lucien Worthen of New London, in the county of Merrimack in said state, for compensation, arising from injuries sustained by him while working on a snow plow for the highway department, December 28, 1934 and the sum of ten dollars (\$10) be allowed and paid to James B. Worthen, the sum of one hundred seventy-four dollars and fifty cents (\$174.50) be allowed and paid to Dr. William Clough, and the sum of one hundred thirty-seven dollars (\$137) be allowed and paid to the New London Hospital, for medical and hospital services in connection with said injuries. The sums appropriated by the state shall be a charge upon the highway funds, and it shall be in full settlement of claim.

[Approved April 27, 1937.]

CHAPTER 226.**JOINT RESOLUTION IN FAVOR OF WALTER TAYLOR AND OTHERS.**

Resolved by the Senate and House of Representatives in General Court convened:

THAT the sum of forty-eight dollars (\$48) be and hereby is appropriated to compensate Walter Taylor of the town of Thornton for accidental injuries suffered while building a state-aid road in the town of Waterville. An additional sum of thirty dollars is likewise appropriated to be paid as follows: Plymouth Memorial Hospital, nine dollars and seventeen cents (\$9.17); Dr. R. P. Middleton of Plymouth, twenty dollars and eighty-three cents (\$20.83); said bills having been contracted by said Walter Taylor in said accident. Said sums hereinbefore appropriated shall be a charge upon the highway funds.

[Approved April 27, 1937.]

CHAPTER 227.

JOINT RESOLUTION IN FAVOR OF ROBERT E. SLOANE OF BERLIN.

*Resolved by the Senate and House of Representatives in
General Court convened:*

THAT the sum of seventy dollars and eighty cents (\$70.80) be and the same is hereby appropriated to reimburse Robert E. Sloane for travel expense in attending the legislature for the weeks ending January 8, 15 and 22, 1937, said sum representing mileage of seven hundred and eight miles at ten cents a mile; said Robert E. Sloane having held a contested election seat until deprived thereof by the legislative action seating Raoul Ramsey of Berlin in place of Robert E. Sloane. The governor is hereby authorized to draw his warrant for said sum out of any money in the treasury not otherwise appropriated.

[Approved April 27, 1937.]

CHAPTER 228.

JOINT RESOLUTION IN FAVOR OF JAMES N. LAWRENCE OF
CLAREMONT.

*Resolved by the Senate and House of Representatives in
General Court convened:*

THAT the sum of fifty dollars (\$50) be and the same is hereby allowed James N. Lawrence of Claremont to reimburse him for money expended by him in the repairs made to his automobile which was damaged by a truck employed by the state highway department on November 16, 1935 at Newbury; and said sum appropriated by the state shall be a charge upon the highway funds, and it shall be in full settlement of claim.

[Approved April 27, 1937.]

CHAPTER 229.

JOINT RESOLUTION IN FAVOR OF THE TOWN OF ERROL.

Resolved by the Senate and House of Representatives in General Court convened:

THAT the sum of four thousand six hundred ninety-four dollars and ninety-one cents (\$4,694.91) be and the same is hereby appropriated to reimburse the town of Errol for money spent in defending the town of Errol against a suit brought by Wilfred Vidal, administrator of the estate of Bernadette Vidal, January 8, 1930, and the sum appropriated shall be a charge upon the highway funds.

[Approved April 29, 1937.]

CHAPTER 230.

JOINT RESOLUTION RELATING TO THE NEW ENGLAND COUNCIL ADVERTISING FUND.

WHEREAS, great benefits were secured through the plan adopted in 1935 by the New England Council and the governors of the six New England States whereby an advertising fund of \$150,000 was created to more adequately advertise the recreational and other advantages of New England, and

WHEREAS, this fund was subscribed as follows: \$50,000 by the New England Council and \$100,000 assessed to the six New England states on the basis of the amount of recreational property in each state; said assessment in the case of New Hampshire having been determined by the research department of the New England Council to be \$17,800 and authorized by chapter 260 of the Laws of 1935, and

WHEREAS, it has been agreed it is desirable and in the public interest to continue said plan of advertising and for New Hampshire again to participate, therefore be it

Resolved by the Senate and House of Representatives in General Court convened:

THAT the sum of seventeen thousand eight hundred dollars (\$17,800) is hereby appropriated and shall be paid during the fiscal year ending July, 1938, to the treasurer of the New England Council, upon vouchers duly approved by the state plan-

ning and development commission, and a like sum is hereby appropriated to be similarly disbursed during the fiscal year ending July, 1939, provided (1) the New England Council contributes \$50,000 and the other New England states \$82,200, in the aggregate, to said advertising fund; however, if the New England Council and the other New England states fail to contribute the amounts specified herein, then the contribution of New Hampshire shall be proportionately reduced, (2) that the New England Council shall, prior to July 1, 1938, through its research department, redetermine the amount of recreational property in each of the New England states, by methods satisfactory to the state planning and development commission. The governor is hereby authorized to draw his warrant for sums not exceeding said sum of seventeen thousand eight hundred dollars for each of said years out of any money in the treasury not otherwise appropriated.

[Approved May 4, 1937.]

CHAPTER 231.

JOINT RESOLUTION IN FAVOR OF MRS. DAVID PLUMER.

Resolved by the Senate and House of Representatives in General Court convened:

THAT the state treasurer be and hereby is directed to pay to Mrs. David Plumer, widow of David Plumer, representative from Alexandria, the balance of salary due said decedent as a member of the house of representatives.

[Approved May 4, 1937.]

CHAPTER 232.

JOINT RESOLUTION IN FAVOR OF THE TOWN OF HOLDERNESS.

Be it enacted by the Senate and House of Representatives in General Court convened:

THAT the sum of one thousand and fourteen dollars (\$1,014) be and hereby is appropriated to reimburse the town of Holderness for expense paid out on account of injuries received by S. Charles Kendall while working on the state-aided road in

Holderness June 22, 1933. Said sum shall be in full settlement of said claim and a charge upon the highway funds.

[Approved May 20, 1937.]

CHAPTER 233.

JOINT RESOLUTION IN FAVOR OF HERBERT DOWNING AND OTHERS.

Resolved by the Senate and House of Representatives in General Court convened:

THAT the sum of thirty-two dollars (\$32) be and hereby is appropriated to compensate Herbert Downing of the town of Thornton for accidental injuries suffered while building a state-aided road in the town of Waterville, provided the sum of six dollars and forty cents (\$6.40) is paid by the town of Waterville. An additional sum of eleven dollars and sixty-seven cents (\$11.67) is likewise appropriated to be paid to Dr. H. A. Cheney of Campton, said bill having been contracted by said Herbert Downing in said accident, provided the sum of two dollars and thirty-three cents (\$2.33) is paid by the town of Waterville. Said sums hereinbefore appropriated shall be in full settlement of claim by said Herbert Downing for injuries received in said accident and shall be a charge upon the highway funds.

[Approved May 20, 1937.]

CHAPTER 234.

JOINT RESOLUTION IN FAVOR OF THE TOWN OF STEWARTSTOWN.

Resolved by the Senate and House of Representatives in General Court convened:

THAT the sum of two thousand forty-nine dollars and ten cents (\$2,049.10) be and is hereby appropriated to refund to the town of Stewartstown for that portion of its state tax paid in the years 1928, 1929, 1930, 1931, 1932, 1933, 1934, 1935 and 1936 on property found by the United States Supreme Court to be in Vermont and on which refund of its local tax must be made. The governor, by and with the advice

of the council, is hereby authorized to draw his warrant for such sum out of any money in the treasury not otherwise appropriated.

[Approved June 2, 1937.]

CHAPTER 235.

JOINT RESOLUTION APPROPRIATING FUNDS FOR THE PURPOSE OF DREDGING A CHANNEL AT ALTON BAY.

*Resolved by the Senate and House of Representatives in
General Court convened:*

THAT the sum of five thousand dollars (\$5,000), or so much thereof as may be necessary, is hereby appropriated to be used and expended under the direction of the public service commission for the purpose of dredging a channel at the southern end of Alton Bay, so called, in Lake Winnepesaukee, at the mouth of Merrymeeting river. The sum hereby appropriated shall be a charge upon the flood relief funds provided by chapter 1, Laws of the special session of 1936.

[Approved June 2, 1937.]

CHAPTER 236.

JOINT RESOLUTION IN FAVOR OF MRS. WILLIAM J. ELSON.

*Resolved by the Senate and House of Representatives in
General Court convened:*

THAT the state treasurer be directed to pay to Mrs. William J. Elson, widow of the late William J. Elson, the balance of salary due said decedent as a member of the house of representatives.

[Approved June 3, 1937.]

CHAPTER 237.**JOINT RESOLUTION FOR THE INSTALLATION OF AUTOMATIC
SPRINKLER FIRE PROTECTION AT THE STATE HOUSE.**

*Resolved by the Senate and House of Representatives in
General Court convened:*

THAT the sum of five thousand dollars (\$5,000) be and hereby is appropriated for the purpose of installing in the attic space of the state house over the house of representatives, senate and in the dome, automatic sprinkler fire protection including necessary alarm devices required to connect directly to the city of Concord fire department alarm circuits. Said sum shall be expended under the direction of the superintendent of the state house, subject to the approval of the governor and council, and the governor is authorized to draw his warrant for said sum on any money in the treasury not otherwise appropriated.

[Approved June 3, 1937.]

CHAPTER 238.**JOINT RESOLUTION IN FAVOR OF THE LAFAYETTE ARTILLERY
COMPANY OF LYNDEBOROUGH.**

WHEREAS, the legislature has for several years made an appropriation for military companies and,

WHEREAS, the Lafayette Artillery Company, one of the companies included in said appropriation did not receive its share of said appropriations for the fiscal years ending June 30, 1935 and June 30, 1936, through failure to apply for the same, now therefore,

*Resolved by the Senate and House of Representatives in
General Court convened:*

THAT the sum of two hundred dollars (\$200) be and hereby is appropriated for the use of the Lafayette Artillery Company of Lyndeborough. The governor is hereby authorized to draw his warrant for said sum out of any money in the treasury not otherwise appropriated.

[Approved June 17, 1937.]

CHAPTER 239.**JOINT RESOLUTION IN FAVOR OF PETER LAJOIE.**

Resolved by the Senate and House of Representatives in General Court convened:

THAT the sum of three hundred and ten dollars (\$310) be and hereby is appropriated in favor of Peter LaJoie to reimburse him for expenses sustained by him as a result of accidental injury occasioned by alleged negligence of employees of the state highway department, while he was traveling along the state highway in the town of Colebrook on October 24, 1931. Said sum shall be a charge upon the highway funds, and shall be in full settlement of the claim.

[Approved June 17, 1937.]

CHAPTER 240.**JOINT RESOLUTION IN FAVOR OF PAUL E. BOURQUE.**

Resolved by the Senate and House of Representatives in General Court convened:

THAT the sum of five hundred dollars (\$500) be and hereby is appropriated to pay Paul E. Bourque of Manchester, county of Hillsborough, state of New Hampshire, for personal injuries sustained while on duty in the National Guard of this state on or about September 1, 1934, and said sum shall be paid out from funds in the state treasury not otherwise appropriated, and shall be in full settlement of said claim.

[Approved June 29, 1937.]

CHAPTER 241.**JOINT RESOLUTION IN FAVOR OF JOHN W. HYLAND.**

Resolved by the Senate and House of Representatives in General Court convened:

THAT the sum of two hundred forty-eight dollars (\$248) be allowed the Nashua Hospital Association and two hundred forty-five dollars (\$245) be allowed Dr. Paul DeNicola, for hospital and doctor's bills arising from injuries sustained by John W. Hyland of Concord from an accident which

occurred on the state highway in the town of Pembroke on or about August 27, 1936. Said sums appropriated shall be a charge upon the highway funds and shall be in full settlement of said claims.

[Approved June 29, 1937.]

CHAPTER 242.

JOINT RESOLUTION IN FAVOR OF MINNIE DOLLOFF AND OTHERS.

Resolved by the Senate and House of Representatives in General Court convened:

THAT the sum of twenty-four hundred eighty dollars (\$2,480) be allowed and paid to the Plymouth Guaranty Savings Bank of Plymouth as trustee for the following purposes, provided that the town of Waterville shall appropriate the sum of four hundred and ninety-six dollars (\$496) for the payment of the following sums, four hundred dollars to Minnie Dolloff of Thornton, forty-six dollars to the Plymouth Memorial Hospital and fifty dollars to Dr. R. P. Middleton of Plymouth. Said sum appropriated by the state shall be invested and reinvested by said trustee and from said principal sum and interest accumulated thereon the sum of six dollars per week shall be paid to Minnie Dolloff and four dollars per week to Donna Dolloff, her daughter. This appropriation is in full settlement for the death of Edwin Dolloff of Thornton who was killed while building a state-aided road in the town of Waterville. The sum hereby appropriated by the state shall be a charge upon the highway fund.

[Approved July 1, 1937.]

CHAPTER 243.

JOINT RESOLUTION RELATING TO THE CALLING OF A
CONSTITUTIONAL CONVENTION.

WHEREAS by the provisions of a joint resolution passed by the senate and house of representatives of the state of New Hampshire and approved by His Excellency the Governor, on the seventeenth day of February, 1937, it was provided "That at the election in the several towns and cities to be holden on the second Tuesday of March, 1937, and a special election to be held in the other cities in which a regular election is not

at that time held, the selectmen of the several towns and the officers of the several cities, who are by law required to warn meetings for elections, be directed to insert in the warrants calling such meetings and elections an article which requires the sense of the qualified voters to be taken upon the following questions, to wit: Is it expedient to revise the constitution? And the several clerks of such towns and cities are directed to make due return of their respective towns and cities to the legislature on or before the twenty-third day of March, 1937" and

WHEREAS the said election and special election were held as directed by said joint resolution but not all the returns were filed with the legislature on or before the twenty-third day of March, 1937, as directed by said joint resolution and some returns of the votes cast at said election and special election had been made subsequent to said twenty-third day of March, 1937, and

WHEREAS the unofficial returns of the whole votes cast at said election and special election indicate that a majority of votes were favorable to calling a constitutional convention, therefore be it

Resolved by the Senate and House of Representatives in General Court convened:

THAT the legislature direct the secretary of state to make, immediately upon the passage of this joint resolution, a complete and final return of all the ballots cast at said election and special election and that the house and senate meet in joint convention to canvass the returns of the number of ballots for and against the necessity of calling a constitutional convention.

[Approved July 13, 1937.]

CHAPTER 244.

JOINT RESOLUTION IN FAVOR OF ERWIN A. AMES AND
C. H. PARSONS.

Resolved by the Senate and House of Representatives in General Court convened:

THAT the sum of seventeen dollars and sixty cents be and hereby is appropriated to compensate Erwin A. Ames of the

city of Concord for accidental injuries suffered while building a state-aid road in said Concord, provided that the city of Concord shall appropriate a like amount. An additional sum of twenty-four dollars is likewise appropriated to be paid to Dr. C. H. Parsons, said bill having been contracted by said Erwin A. Ames in said accident, provided a like sum is appropriated by the said city of Concord. Said sums appropriated by the state shall be a charge upon the highway funds and shall be in full settlement of the above claims.

[Approved July 13, 1937.]

CHAPTER 245.

JOINT RESOLUTION IN FAVOR OF HUGH H. JOHNSON OF STRATFORD.

*Resolved by the Senate and House of Representatives in
General Court convened:*

THAT the sums of two hundred dollars (\$200) and one hundred dollars (\$100) be and hereby are appropriated to Hugh H. Johnson of Stratford for damage to his car and doctor's bill and personal injuries, said expenses being the result of an accident when his car dropped into a culvert, due to a washout, on the Daniel Webster highway in the town of Stratford, April 6, 1937. Said sums appropriated shall be a charge upon the highway funds, and shall be in full settlement of the above claims.

[Approved July 20, 1937.]

CHAPTER 246.

JOINT RESOLUTION RELATIVE TO THE NEW YORK WORLD'S FAIR.

*Resolved by the Senate and House of Representatives in
General Court convened:*

THAT the sum of thirty thousand dollars (\$30,000) be and hereby is appropriated for the purpose of advertising the resources, recreational advantages, agricultural and industrial opportunities of the state of New Hampshire at the New York World's Fair. This appropriation shall be expended under the direction of the state planning and develop-

ment commission which shall, for the purposes hereof, co-operate with the other New England states in such manner as may be deemed to be for the best interests of the state but in such manner as shall not destroy the individuality of the New Hampshire exhibit or exhibits. In carrying out the purposes hereof the commission shall co-operate with the New England Council through the New Hampshire section thereof and the governor shall name three members from the public at large, as an advisory committee to work with the state planning and development commission for the purposes of this resolution only. Members of the advisory committee shall serve without compensation but shall be reimbursed for necessary expenses incurred as a part of their official duties hereunder. The governor is authorized to draw his warrant for said sum out of any money in the treasury not otherwise appropriated.

[Approved August 3, 1937.]

CHAPTER 247.

JOINT RESOLUTION IN FAVOR OF JOHN FREDETTE.

Resolved by the Senate and House of Representatives in General Court convened:

THAT the sum of two hundred fifty dollars (\$250) be and hereby is appropriated to compensate John Fredette of Westmoreland for injuries received while working on a bridge on a state-aided road in said Westmoreland January 8, 1937, and the further sum of one hundred and thirty-six dollars (\$136) be and hereby is appropriated for the Elliot Community Hospital of Keene in payment of hospital expenses incurred by said John Fredette as a result of said injuries. The appropriations hereby made shall be in full settlement of said claim and shall be a charge upon the highway fund.

[Approved August 5, 1937.]

CHAPTER 248.

JOINT RESOLUTION FOR OBSERVANCE OF THE ADOPTION OF THE
FEDERAL CONSTITUTION BY THE STATE OF NEW HAMPSHIRE.

WHEREAS New Hampshire was the ninth state to consent to the adoption of the federal constitution, by action taken at Concord, New Hampshire, on June 21, 1788; be it

*Resolved by the Senate and House of Representatives in
General Court convened:*

THAT the sum of five thousand dollars (\$5,000) be and hereby is appropriated for fitting observance of the adoption of the federal constitution in Concord, New Hampshire, on June 21, 1938, said sum to be expended by the New Hampshire Sesquicentennial Commission appointed by the governor in June and December, 1936, as shown by the records in the office of the secretary of state. Said commission is also authorized to accept gifts in the name of the state for the purposes of said observance. The governor is authorized to draw his warrant for the sum hereby appropriated out of any money in the treasury not otherwise appropriated.

[Approved August 12, 1937.]

CHAPTER 249.JOINT RESOLUTION MAKING AN ADDITIONAL APPROPRIATION FOR
THE INDUSTRIAL SCHOOL.

*Resolved by the Senate and House of Representatives in
General Court convened:*

THAT the sum of sixteen thousand dollars (\$16,000) be and hereby is appropriated to be expended for the industrial school under the direction of the superintendent, with the consent of the trustees of said school, for the following purposes: (1) Inside painting, outside wiring, the connecting of heating and water apparatus and alterations for the new buildings, (2) grading and road construction, and (3) purchase and installation of equipment for vocational training. The governor is authorized to draw his warrant for said sum out of any money in the treasury not otherwise appropriated.

[Approved August 20, 1937.]

CHAPTER 250.

JOINT RESOLUTION IN FAVOR OF THE TOWN OF UNITY.

Resolved by the Senate and House of Representatives in General Court convened:

THAT the sum of five thousand dollars (\$5,000) be and hereby is appropriated for the repair of highways in the town of Unity damaged or destroyed during the cloud-burst which occurred in said town on June 18, 1937. The sum appropriated shall be expended under the direction of the highway commissioner, with the approval of the governor and council, and shall be a charge upon the funds provided by chapter 1 of the Laws of the special session of 1936.

[Approved August 20, 1937.]

CHAPTER 251.

JOINT RESOLUTION RELATIVE TO BUOYS IN LAKE WINNISQUAM.

Resolved by the Senate and House of Representatives in General Court convened:

THAT the sum of not exceeding three hundred seventy-five dollars (\$375) be and hereby is appropriated for the purpose of establishing one flash buoy and one spar buoy in Lake Winnisquam. The appropriation made hereby shall be expended under the direction of the public service commission and the governor is authorized to draw his warrant for said sum out of any money in the treasury not otherwise appropriated.

[Approved August 20, 1937.]

CHAPTER 252.

JOINT RESOLUTION MAKING ADDITIONAL APPROPRIATIONS FOR THE ATTORNEY-GENERAL'S DEPARTMENT.

Resolved by the Senate and House of Representatives in General Court convened:

THAT the sum of four thousand two hundred and fifty dollars (\$4,250) for the fiscal year ending June 30, 1938, and the sum of four thousand seven hundred and fifty dollars (\$4,750)

for the fiscal year ending June 30, 1939, be and hereby are appropriated for the attorney-general's department, for additional expenses. The governor is hereby authorized to draw his warrant for said sums out of any money in the treasury not otherwise appropriated.

[Approved August 20, 1937.]

CHAPTER 253.

JOINT RESOLUTION TO PROVIDE ADDITIONAL FACILITIES AT THE STATE HOSPITAL.

Resolved by the Senate and House of Representatives in General Court convened:

THAT the sum of fifty-three thousand five hundred dollars (\$53,500) be and hereby is appropriated for additional facilities at the state hospital as follows: For insulation and alterations in the third floor of the Walker building, the sum of ten thousand dollars, of which the cost of insulation shall be a first charge; for the purchase and installation of kitchen equipment, the sum of ten thousand dollars; for the purchase and installation of metallic food elevators, five thousand five hundred dollars; for the installation of a partial sprinkler system in the administration building, ten thousand dollars; for the construction of an addition for enlargement of the kitchen in the Walker building, eighteen thousand dollars. The above appropriation shall be a charge upon the funds appropriated by chapter 143 of the Laws of 1935.

[Approved August 20, 1937.]

CHAPTER 254.

JOINT RESOLUTION IN FAVOR OF MOUNT WASHINGTON OBSERVATORY, INC.

Resolved by the Senate and House of Representatives in General Court convened:

THAT the sum of fifteen hundred dollars (\$1,500) be and hereby is appropriated for the Mount Washington Observatory, Inc. to be used for the work of said corporation in scien-

tific research relative to weather observations, rendering assistance to persons climbing Mount Washington and for other work of said corporation. Said sum shall be paid out upon warrant of the governor and council upon vouchers approved by the state planning and development commission and shall be a charge upon money in the treasury not otherwise appropriated.

[Approved August 20, 1937.]

CHAPTER 255.

JOINT RESOLUTION IN FAVOR OF GUY S. NEAL AND OTHERS.

Resolved by the Senate and House of Representatives in General Court convened:

THAT Guy S. Neal, sergeant-at-arms, and Raymond B. Lake-man, sergeant-at-arms, be allowed the sum of \$882 each; that William Weston, chaplain, be allowed the sum of \$780; that Wallace S. Thompson, custodian, be allowed the sum of \$312; that Harold Fournier, custodian, be allowed the sum of \$476; that Arthur A. Tilton, Harry S. Yeaton, Clifton B. Tarlson, Lenne C. Twombly, William W. Allen, doorkeepers, be allowed the sum of \$780 each; that Charles H. Bean, Jr., warden, be allowed the sum of \$780; that Daniel E. Smith, warden, be allowed the sum of \$20; that Patrick F. Ryan, warden, be allowed the sum of \$780; that Herbert M. Thyng, messenger, be allowed the sum of \$648; that Fred A. Rushlow, messenger, be allowed the sum of \$192; that Charles W. Robinson, messenger, be allowed the sum of \$292; that Frank S. Merrill, messenger, be allowed the sum of \$196; that Charles F. Adams, Benjamin H. Bragg, Charles C. Sargent, messengers, be allowed the sum of \$780 each; that Robert L. Stark, speaker's page, be allowed the sum of \$387; that Carl Jewell, speaker's page, be allowed the sum of \$192; that Edgar Jacques, Herbert S. Currier, Gerald L. Wadman, John J. Henson, Jr., pages, be allowed the sum of \$487.50 each; that Don Marshall, page, be allowed the sum of \$7.50; that Melvin Brungot, page, be allowed the sum of \$352.50; that Norman Brungot, page, be allowed the sum of \$137.50; that Palmer C. Read, judiciary messenger, be allowed the sum of \$780; that J. Walter Clark, governor's messenger be allowed the sum of \$760; that Harrie

M. Young, clerk of the house, be allowed the sum of \$400; that Benjamin F. Greer, clerk of the senate, be allowed the sum of \$800; that Cyril J. Fretwell, assistant clerk of the house be allowed the sum of \$1,400; that Frank M. Ayer, assistant clerk of the senate, be allowed the sum of \$800; that Francis H. Buffum, reading clerk, be allowed the sum of \$1,000; that Alice V. Flanders, house stenographer, and Bessie A. Callaghan, senate stenographer, be allowed the sum of \$1,560 each; that Marion C. Colby, Frances C. Barnard, house stenographers, be allowed the sum of \$1,170 each; that Ruth Cotton, senate stenographer, be allowed the sum of \$1,170; that Mabel E. Dooley, judiciary stenographer, be allowed the sum of \$55; that Thelma R. Budway, judiciary stenographer, be allowed the sum of \$920; that Helen M. Young, stenographer, be allowed the sum of \$35; that Marion G. Alexander, legislative advisor, be allowed the sum of \$500; that W. J. Chadbourne, photographer, be allowed the sum of \$1,000; that Mayland H. Morse, governor's attorney, be allowed the sum of \$3,300.

The governor is hereby authorized to draw his warrant for the above sums out of any money in the treasury not otherwise appropriated.

[Approved August 20, 1937.]

CHAPTER 256.

NAMES CHANGED.

From January, 1935, to January, 1937, the registers of probate returned to the secretary of state the following changes of names made by the probate court:

Rockingham County—Roger Ellis Whitney to Roger Ellis Preston; Robert Benson Kimball, Jr. to Benson Wheeler Brown; Marion S. Frost to Marion Louise Stevens; Lucy Catharine Stewart to Lucy Stewart Ross; Virginia O. Anderson to Virginia O. Nelson; Roger Douglas Clemons to Roger Edward O'Brien; Donald Boyd to Donald Eugene Boyd Austin; Frank William Loehn to Wallace August Loehn; Pauline Cora Florand to Pauline Cora Gosselin; Irene Rose Florand to Irene Rose Gosselin; Donald Warren to Donald Tatro; Eugene Raymond Tinker to John Edwin Neal; Dorothy Poland to Mary Theresa Lamoureux; Charles Lewis Smith to Floyd Palmer Smith; Jane Doe Stevenson to Mary Lou Gram-

mont; Anna Mae Allen to Betsy Jane Marston; Kenneth Earl Morgan to Kenneth Earl Haley; Margaret Wenhold to Margaret Locke; Rhea Marie Dumais to Rhea Marie Lafrance; Harriett Tartalis to Sandra Dolores Parent; Evelyn Horne Collins to Evelyn Horne Brewster; Priscilla Faneras to Priscilla Powell; Pauline Faneras to Pauline Powell; Stanley S. Adamandares to Stanley S. Adams; Richard Gibbs Lapointe to Richard Gibbs Hammond; Todd Lee Wyman to Todd Lee Kyle; Philip N. Hutchings to Philip Arnold Broomfield; Peter Skopecki to Peter Kopecki; Nettie Skopecki to Nettie Kopecki; Joseph Skopecki to Joseph Kopecki; John Skopecki to John Kopecki; Teresa Brooks O'Leary to Teresa Brooks; Helen Heeney to Helen Hill; Everett Warren Johnson to Everett Warren Heath; Donald S. Anderson to Donald S. Thompson; Bessie Maude Hird to Betty Maude Hird; Doris Evelyn Shaw to Doris Evelyn Whitten; Harold Austin Trefethen to Harold Austin Kelleher; Chadbourne Wallace Quimby to Chadbourne Wallace Galt; Gail Quimby to Gail Kathryn Galt; Lillian E. Clark to Lillian E. Learnard; Barbara Virginia Cammett to Barbara Virginia Stamps; Eleuterio Iamele to Andrew Eleuterio Iamele; Mildred F. Proctor to Mildred F. Stevens; Wallace Crompton to Wallace Goldsmith Crompton; Myrtle E. Dennett Crompton to Blanche Myrtelle Crompton; Marlene Betty Adams to Alice Marilyn Furman.

Strafford County—George Fisk to Charles Edward Weed; Clifford Alvra Butters to Clifford Alvra Young; Sally Anne Chimiklis to Yvette Theodora Ambadges; Ella C. Buzzell to Ella C. Lenzi; Eleanor Louise Glass to Gloria Gertrude Glass; Lorraine Patricia Wright to Lorraine Patricia Lariviere; William Davis to Thomas William O'Hearn; Paul Leo Levy to Paul Leo Rosenberg; Florence Elizabeth Hyde to Maude Elizabeth Hyde; Robert Baker to Robert Baker Burlingame; Olga Langford Elkins to Olga Irene Langford; Ella Louise Labonte to Ella Louise Edgerly; Edna Augusta Labonte to Edna Augusta Edgerly; Royal Hervey Labonte to Royal Hervey Edgerly; Pearl Christine Thurlo to Pearl Christine Thurlow; Shirley Ann Hill to Shirley Ann Randall; Mary V. Roy to Mary V. Tonkin; Harry Clinton Withman to Harry Clinton Lougee; Harold George Gault to Walter Franklin Ham; Baby Morgan to Janice Ann Percival.

Belknap County—Irene Marie LeClercq to Irene Marie De-

Forge; Henry C. Smith to Henry Ivan Moore; Ida E. Walton to Hazel E. Hastings; Christine M. Ingalls to Christine Margaret Bruce.

Changed by adoption: Robert Sidney Remington (name not changed); William Allison Carnes to William Allison Carnes Clark; Pauline Marguerite Lapierre to Pauline Marguerite Poire; Osborne William Kinnie to Osborne William Black; Rita Marion Dennison (not changed); William P. Bartholomee to William Piper Goodwin; Frederick Augustus Bousquet to Charles Louis Plouff; Martha Violet Cramer to Martha Marilyn Smith; Beatrice Seaward to Elizabeth Ann Potter; Frances A. Varney to Frances A. Perkins; Irene R. Varney to Irene R. Perkins; Beverly Littlefield to Rosemary Eleanor Zanes; Ernest O. Libby to Everett Benjamin Otis; Ruth Murphy to Shirley Edwynna Smith; Charlyne Mae Decato to Charlyne Mae Dolloff; Raymond E. Allen to Norman Bruce Rollins; Robert Theodore Sylvia to Robert Theodore Jenson; Norman C. Kelley (not changed); Norma Trowbridge to Norma Bowlby; Ruth May Stone to Ruth May Nault.

Carroll County—Lois Jean Deardorff to Drexine Kirk Cross; Rose Marie Drew to Carol Jean Philbrick; Marguerita S. Drew to Marguerita S. Tappan; Zeanas McRae Harnish to Ray Zeanas McRae; Glenna Winnifred King to Persis Elizabeth Taylor; Robert Lewis to Robert William Swett; Sarah E. Noreen to Sarah E. Robie; Shirley May McCann to Anita Evelyn Conners; Fannie Bailey Puffer to Frances Bailey Puffer; Jacqueline Ann Rodd to Jacqueline Ann Eldridge; Paul Shaw to Paul Shaw Herbert; Lois Stanton to Fredrika Hodgdon Kilburn; Sherman William Shirley to William Shirley Ballou; Charles Russell Turner to Charles Patnode Turner; Virginia Ruth Williams to Virginia Ruth Harris.

Merrimack County—Stanley Arthur Fisher to Stanley Arthur Belanger; Margaret Mary Matte to Margaret Mary Ahern; Jacklyn Calleso to Jacklyn Chapman; Calvin Wesley Upton to Calvin Wesley Rollins; "Baby" Kirkpatrick to Janice Lucille Lewis; Richard LeBlanc to Richard John LeBlanc; Helen Prescott to Joyce Edith Howland; Maxwell Kerrick to Carroll Langdon Bristol, Jr.; Carol May McGrath to Nancy Deane Retter; Jeanne Ruth Gibbs to Jean Alicia Valliere; "Baby" Hill to Sidney Kynast Whiting; Robert O'Shaughnessy to Richard Coburn; Marian Louise Skinner to Marian

Louise Cheney; "Baby" Giroux to Mary Joan Andrew; James Rodney Drake to Raymond Emerson; Viena Marie Halme to Viena Marie Halme Little; Jacqueline M. Smith to Jacqueline Mae Laramie; Jennie Florence Pettee to Jennie Florence Gray; Donald Herman Abbott to Donald Abbott Terrill; Robert Bruce Downing to Robert Bruce Ripley; David Marden to David Philip Marden; Isabelle Arville Bunce to Anne Miller Boutelle; Richard Francis French to Richard Francis Young; Norman Lapierre to Norman Lapierre Trottier; Beverly A. Maxson to Beverly Maxson Randall; Marilyn Ruth Heney to Marilyn Ruth Cressy; Mary Kathleen Heney to Mary Kathleen Cressy; Owen Elwyn White to Clarence Paul Stevens; Vera A. Blevens to Vera Dagmar Anderson; Vera A. Steele to Vera Althea Tuttle; Orvin Stanley Marsh to Vincent Stanley Marsh; Margaret Chandronait to Margaret Dubois; Carolyn Farnum to Carolyn Angie Farnum; Stephen White Gregory to Stephen White Winship; Joy Alice Smith to Joy Alice Clough; Alva Irving Leonard to Andrew Irving Anderson; Verne Roger Quinn to Verne Bernard Ingersoll; Frank Sherman Shepard to Robert Hersey Shepard; Marjorie McLaughlin to Marjorie Center; Louis Adelard LaMora to Louis Adelard Lamoureux.

Hillsborough County—Frank Boyer, Jr. to Albert Louis Boyer; Helen Sedlewicz to Helen Sullivan; Hazel E. Murphy to Gloria Evangeline Nichols; Annie Sedlewicz to Annie Sullivan; Ruth M. Angus to Ruth M. Hall; Louis Raymond Beaupre to Louis Raymond Rioux; Charles Cheney Schroeder to Charles Chute Cheney; Leda Gamache to Leda Dean; Joseph Henry Miller to Joseph Henry Miller Remillard; Fannie E. McGall to Fannie E. Robinson; Abraham Levine to John Lavigne; Phyllis Joan Rioux to Phyllis Joan Tobias; Ralph Irving Gaudreau to Irving Gaudreau Haselton; Louis Charles Andre Gaudreau to Louis Gaudreau Haselton; Joseph Paul Orlande Lemelin to Joseph Paul Orlande Anderson; Simos Vasilios Langas to Simos Vasilios Vasiliou; Avonia M. Rogers to Avonia M. Goethnee; Marie Albertine Brousso to Marie Albertine Bourcier; Euripede Hatzilelikas to Peter Hatzes; Dorothea Thompson Dubuc to Dorothea Thompson; Alta M. McClarty to Alta M. Foster; George F. Lavigne to George F. Reed; Beatrice Coburn to Beatrice Reed; Hendrick Kat to Hendrick Kate; Peter Slayton Straw to Ezekiel Albert Straw, Jr.; Isabella Marie Mayou to Isabella Marie Rood; Irene Theresa San-

souci to Irene Theresa Rau; Rose Helen Tremblay to Rose Helen Bergeron; Isabelle W. Winn to Isabelle W. Mahony; Burton Andrew Muzzey to Harland Andrew Muzzey; John C. Liliopoulos to John C. Lylis; Ernest J. Flannigan to Ernest J. Freeman; Ernest J. Flannigan, Jr. to Ernest J. Freeman, Jr.; Agnes G. Green to Diane Hunt; Madeline Lonergan to Madeline Hill; Joseph Archille LeClair to Joseph Archille LeClair de Francoeur; Delima Landry LeClair to Delima Landry LeClair de Francoeur; Leo Adelard LeClair to Leo Adelard LeClair de Francoeur; Rose Delima LeClair to Rose Delima LeClair de Francoeur; Florette Irene LeClair to Florette Irene LeClair de Francoeur; Cecile LeClair to Cecile LeClair de Francoeur; Lois E. Mitten to Lois E. Watson.

Changed by adoption: Edward Read or Reed to Richard Boyer Anderson; Rose-marie Joan Sargent to Barbara Brown Day; William Kennedy to William Kennedy Foster; Doris Fuller to Doris Davis; Mary E. Roberge to Ann Filion; Reginald J. Therrien to Reginald P. Morin; Donald Allard to Edward J. Lehoullier; Flora May Graham to Flora May Smith; Marie Cecile Gertrude Thifault to Marie Cecile Gertrude Caron; Patricia Elaine Merrill to Margaret Gray Walbridge; Shirley Travis St. Denis to Shirley Travis Moller; Doris Frances Downey to Mary J. Easterberg; Donald Paul Oleson to Donald Earl Johnson; Mary E. Tondreau to Betty Ann English; Mary J. Beauregard to Patricia Anne Provencher; Theodore Doolittle to Theodore Joseph Degasis; William Burke to Robert Merrill Lagerquist; Phylis A. Deaette to Lorette Tanguay; Richard Labonte to Earl Edwin Mead; Roger A. Banden to Roger S. Perreault; Leslie Garland Marston to Leslie Marston Kincaid; Roberta Baker to Lucille Claire Delude; Anne F. Brown to Jacqueline Maynard; Javern Manning to Alice Johnson Noyes; Joan Manning to Lucia Clapp Noyes; Rita Ann Robichaud to Rita Andrea Parent; John Elliot Innes to William MacDonald Battis; Baby Gould to Carrie Marie Lane; Laura Anne Cloutier to Patricia Laura Anne Cloutier; Ellen L. Downes to Ellen L. Fellows; Daniel Herbert Downes to Herbert D. Fellows; Gloria Marie Lucier to Gloria Marie Babel; Nureene Ouellette to Nureene Field; Pauline Rodier to Pauline Wilkaites; Reginald Storer to Reginald Storer White; Marie Therese Cecile Hamel to Marie Therese Cecile Gregoire; Armand Normand Bernard to Gaston Armand Bernard; Ronald G. Hutch-

inson to Ronald J. Fagnant; Betty Ryan alias Betty Ramsey to Elizabeth Ann Emerson; John Michael Morra to Frank Joseph Coco; Baby Regan to Jean Ann Buzzell; Delores Carol Ann Byrne to Dolores Carol Ann Wetherbee; Robert Fitzgerald to Robert James Roma; Patricia Laurent to Patricia Sanders; Baby Champagne to Peter Van Tetley; Lois Anne Ermalavich to Lois Anne Lalmond; Ruth Wilcox to Carol Stevens; Doris Ellen Lavigne to Doris Ellen Vaccarest; Marie Lucille Pauline Renaud to Marie Lucille Pauline Chaput; Valaria Menczywor to Valaria Puslecki; Mary J. Easterberg to Mary Joan St. Laurent; Donald McGuigan to James Donald Grenier; Theresa Elizabeth Powell to Theresa Elizabeth Cain; Phyllis Marie Davis to Phyllis Marie Powers; Pearl Marie Powell to Pearl Marie Cain; Gladys Beatrice Gamble to Gladys Beatrice Walker; Gladys Evelyn Davis to Joan Lucy Creel; Hazel Gertrude Davis to Hazel Esther Judkins; Gloria Faith Ashley to Muriel Gloria Tellier; Geneva Marie Holmes to Geneva Betty Reidy; Evelyn Reta Patten to Evelyn Reta Brown; Charlotte Mae Blood to Charlotte Mae Haight; Harriet Winona Gamble to Harriet Winona Manning; Albert Sansoucie to Albert Payant; John Robert Blakitis to Robert John Farland; Richard Carrigan to Richard Harold Bowden; Robert Carrigan to Robert Simonds Bowden; Ronald Osborne to Robert Louis Dube; Arthur R. Allaire to Joseph R. Minturn; Barbara Ann Burgess to Barbara Ann Boy; David Welch to Joseph R. Stuard; Robert Arthur Levesque to Robert Arthur Goulet; Mary E. Duquette to Shirley A. Truchon; Elizabeth Gladys Raymond to Elizabeth Gladys Brown; Dorothy Mae Jelley to Dorothy Mae Stewart; Baby Purdie to Harry Bradbury Musk; William Keefe to Robert Edward Goodfellow; Alfred J. Farland to Albert Joseph Sieradski; Joseph Albert Rouleau to Albert Henry Paquette, Jr.; Lois Ann Beaubien to Lois Ann Moseley; Marion Christine Law to Patricia Ann Courtemanche; Marguerite A. Bowman to Mary Ann Bonin; Jacqueline Lorraine Rivard to Joan Dorothy Jordan; Shirley Ann Barry to Shirley Ann Poehlman; Robert W. Doonar to Robert Donald Welch; Dolores Lorraine Hancock to Shirley Madeline Lones; Edward George Collette to Edward George Peterson; Arthur Roland Guimond to Arthur Roland Guerette.

Cheshire County—Edgar Tieger to Edgar Teger; Mildred Pollard to Mildred Harriet Langdon; Lorraine Wilder to Lor-

raine Mae Benton; Chester Edward Chant to Chester Edward Venable; Anna May Miller to Anna May Stinson; Laura May Mundell to Laura Mae Whitman; Walter Baker to Walter John Croteau; Marilyn Ada Ayer to Marilyn Adah Ayer Beverly; Verna Mae Ayer to Verna Ayer Elwell; Constance Clark to Constance Nelson; Clayton Robert Gray or Clayton Robert Andrews to Roger Clayton Whipple; Audrey Mae French to Audrey Mae Dodge; Richard Elliot Shea to Morton Atwell Shea; Constantine Maier to Constantine Kostopoulos; Gladys C. Geiger to Gladys C. Egan; James Arthur Leslie to James Arthur Sibley; Kathleen Gloria Vargas to Kathleen Gloria Gooley; Viola Charlotte Vargas to Viola Charlotte Gooley; Navish to Robert Earl Emery; Edward Allen Coombs to Edward Allen Symonds; Velda Joy Pickett to Velda Joy White; Joseph Arthur Doucette to Joseph Arthur Richard Doucette; Sullivan to Richard Washburn Bates; Peter A. Koureveis to Peter A. Karey; William Lessard to William Richard; Alfred Herbert Soderholm to Alfred Herbert Holmes; Bernice Baker Maxwell to Bernice Maxwell Graton; Robert Wilford Blain to Wilfrid Blain; Sayers to Patricia Elizabeth Hoyt; Patricia Elizabeth Hoyt to Marilyn Elizabeth Hoyt; Norman Scott to Norman Georgina; Richard Scott to Richard Georgina; Beverly Rose Lurvey to Beverly Rose Willard; James Saunders to Charles Saunders; A. Lloyd Schurman to A. Lloyd Sherman; William Edward Howe to William Stowell Howe, Jr.; Gladys Raymond Piper to Ramona Gladys Gill; Daniel L. Louks to Daniel L. Glover; Evelyn Mary Warren to Evelyn Mary Freeman; Beverly Diantha Davis to Beverly Diantha Hale; Marion Alice Dean to Marion Alice Kenney; Jouerl Battashievch to Paul Bartashevich; Harry Portas to Roger Bartashevich; Lena Bartaskvic to Helen Bartashevich.

Sullivan County—Ruth Johnson to Ruth Willis; Alice L. Louiselle to Alice L. Gillingham; Evelyn Vera Blaine to Evelyn Vera Leach; Ethel M. Atwood to Ethel M. Matthews; Bessie Mae Bunce to Bessie Mae Smith; Marjorie Melvina Barber to Marjorie Melvina Parizo; Rosamond Rollins to Louise Rollins; Prudence Evangeline Gardner to Prudence Evangeline Burke; Mary Chisholm to Mary Elizabeth Laber; Jane Elizabeth Walker to Jane Elizabeth Lacasse; Victor O. Parizo to Victor O. Pariseau; Fred G. Parizo to Fred G. Pariseau; Jennie S. Le-

Ganger to Jennie S. Bryant; Fred Hoague to Fred Hoague-Onley; Adam Jasiewicz to Adam Yasevitch; Gordon Thompson LeGanger to Gordon Thompson Bryant; Cora Natalie Damon to Cora Natalie Perkins; William Wade Damon to William Wade Perkins; Wilfrid Babeux to Wilford F. Babbitt; Francis Smith to Francis Mutney; Caroline E. Coutermarsh to May Elizabeth Woodward; Kenneth Lyford McCabe to Kenneth Robert Allen; Roi (Roy), Joseph Marie Leo to Leon Joseph Roy; Robert (Goodwin) Marsh to Robert Goodwin Pelletier; Patricia Arlene White to Patricia Arlene Lynch.

Grafton County—Arlen Thornton Downing to Arlen Thornton Burke; Mildred Dodge to Mildred Byron; Edwin Austin Doremus to Edwin Doremus; Alvin Madison Emery to Alvin Madison Nichols; Richard W. Leo Grondin to Richard Willard Brunell; Kenneth Morrill Johnson to Kenneth Morrill Pelton; Ina Becker Lower to Ina Becker Allen; Maryellen Patricia Leonard to Maryellen Patricia Downes; Marjorie Augusta Tilton to Marjorie Augusta Gardiner; Clarence Louis White to Clarence Louis Strong; Gordon A. Besakiriski to Gordon Samuel Mascari; Beverly Ann Batchelder to Celia Ann Bassett; Jenness Stuart Bragg to Jenness Stuart Ware; Delcina W. Bennett to Delcina W. Page; Raymond Brooks to Marshall F. O'Connor; Leslie Harry Celey to Robert Eugene McKeen; Hubert Ferguson to Hubert Dryden Sycamore; Martha White Griffin to Martha White; Winifred Murphy to Constance Ann Hawes; E. Amedie Rouselle to Edward Arthur Boushey; Richard Sargent to Richard Richards.

Coos County—Patricia Ann to Patricia Ann Bunnell; Mary Jane Lucchetti to Mary Jane Eastman; Norman Clark Stanley to Norman James Martin; Infant Morin to Omer Donald Leroux; Joseph Alexander to Joseph W. Barlow; Marie Clare Lucille to Marie Clare Lucille Collins; Mary Ellen Beady to Mary Ellen Williams; Frederic Parker Carpenter to Parker Carpenter; Donald F. Walker to Donald F. Johnson; Eugenie Aurore Buber to Annie Jennie Buber; Patricia Ann Shea to Mary Francis Cecile Caron; Marie Anna to Anna Marie Dionne; Harriet Remick to Harriet Ross; Normand Roy to Rolland Bouchard; Rita Lois Parks to Rita Lois Monahan; Doris Morin to Doris O'Hearn; Alva Bell to Alva Gagnon; Doris Geraldine Roy to Doris Geraldine Morrisette; Dolores Mary Monahan to Dolores Mary Hammond.

From January, 1935, to January, 1937, the registers of probate returned to the secretary of state the following changes of names made by the superior court in divorce proceedings:

Rockingham County—Ruth D. Carlin to Ruth Dixon Philbrick; Harriet L. Connors to Harriet L. Drury; Ruth P. Rainey to Ruth P. Carlton; Pearl M. Scarponi to Pearl Mills; Lillian J. Aziz to Lillian J. Seavey; Cora Helen Davis to Cora Helen Meader; Esther Leah Task Elliot to Esther Leah Task; Hazel B. Martin to Hazel M. Butler; Doris J. Golter to Doris J. Moulton; Rose Katherine Jacques to Rose Katherine Marcuri; Winniefred H. Johnson to Winniefred H. Brewster; Norma Constance Tilton Houlihan to Norma Constance Tilton (Annulment decree); Idella A. Deal to Idella A. Gadis; Dorothy May Woodworth to Dorothy May Currier; Helen B. Palfrey to Helen B. Trueman; Calleo Pappas Condoninas to Calleo Pappas; Helen E. Hussey to Helen Batchelder; Hope Akerman Moran to Hope Akerman; Mary A. Muller to Mary A. Powers; Rosetta B. Vadeboncoeur to Rosetta B. Hoyt.

Strafford County—Effie E. Dwire to Effie E. White; Julia M. Demeritt to Julia M. Trafton; Josephine B. Dearborn to Josephine B. Edgerly; Florence E. McSorley to Florence E. Martel; Helen R. Smith to Helen R. Johnson; Edna E. Streeter to Edna E. Bewley; Madeline E. Baker to Madeline Hudson; Evelyn E. Phillips to Evelyn E. Sevigny; Edith A. Blair to Edith A. Caverly; Geneva B. Corry to Geneva Bickford; Sadie A. Dodge to Sadie A. Dickinson; Ivadell M. Otis to Ivadell M. Nichols; Evelyn L. Holmes to Evelyn L. Walker; Mary O. Blair (otherwise known as Mary F. Plessas) to Mary O. Foss; Esther Randall to Esther Charles; Lois J. Shea to Lois J. Colby; Gertrude Pineo to Gertrude Clough; Evie Hussey to Evie B. Longley; Miriam P. Evans to Miriam Pascal; Pauline A. Jewett to Pauline Elizabeth Auger; Laura Keays to Laura Marcotte; Irene M. Smith to Irene M. Desautel.

Belknap County—Marjorie A. Smith to Marjorie A. Oliver; Thelma L. Landry to Thelma Luella DeHart; Ethel Stoddard Bannon to Ethel Stoddard; Thalia L. Blackey to Thalia Louise Kimball; Annie Hughes Carroll to Annie Clara Hughes; Avis Cox Morrison to Avis M. Cox; Vera Campbell Dane to Vera Campbell; Pearl W. Provencal to Pearl W. Whiteman; Georgie M. Duquette to Georgie Margarete Farnham; Bernice P.

Abbott to Bernice Robinson; Ivy M. Galloupe to Ivy M. Burleigh.

Carroll County—Lena M. Drew to Lena M. Tappan; Ruth M. Bean to Ruth M. Potter; Vivian A. Prescott to Vivian A. Channell; Eleanor M. Woodmancy to Eleanor M. Thompson; Emma White to Emma Forster.

Merrimack County—Nellie May Wheeler to Nellie May Allen; Clara L. Witham to Clara Lane; Margaret E. Martin to Margaret E. Cunningham; Elsie C. Angwin to Elsie Belle Colby; Gladys Cook Laird to Gladys Pauline Cook; Cathleen T. Rego to Kathleen T. Hayes; Mable Tebo to Mable F. Rogers; Victoria S. Wescom to Victoria S. Keniston; Edith G. Knox to Edith Nowell Grant; Stella Diversi Moore to Stella Diversi; Mary M. Reardon to Mary E. Mannion; Addie M. Lackey to Addie M. Edmunds; Stella F. Wheeler to Stella Philbrick Foster; Mabel Fern Klenke to Mabel Fern Colburn; Virginia Gray to Virginia Dolloff.

Hillsborough County—Gara E. Wilson to Gara E. Brown; Lillian May Meader to Lillian May Hoague; Hazel E. Murphy to Hazel E. Nichols; Mary Staples Cote to Mary Staples; Amanda Blanchette to Florette A. Proulx; Alice D. Gormley to Alice D. Tirrell; Laura D. Carnes to Laura D. Carr; Beatrice Cora Shea to Beatrice Cora Roux; Minnie Denton Pazychuck to Minnie Denton; Harriet L. Bellofatto to Harriet L. Smith; Alice Y. Merrill to Alice Thelma Young; Gladys Stantial to Gladys Grenier; Clara Mae Cassidy to Clara Mae Tulin; Isabelle F. McLaughlin to Isabelle F. Miller; Ruth M. Chase to Ruth M. Smart; Mary Barrett Chilton to Mary Barrett; Laura A. Wheeler Dodge to Laura A. Wheeler; Josephine W. Schneiderheinze to Josephine Kendall Welch; Sophie Curtis to Sophie Daukas; Clara B. Ackermann to Clara B. Clough; Lucienne Durgan to Lucienne Corriveau; Joanna Gorczyca to Joanna Szemela; Linda Elizabeth Colburn to Linda Elizabeth Freeman; Bernice E. Atwood to Bernice E. Newcomb; Vera Smith Bennett to Vera Smith; Alice Mildred Sargent to Alice Mildred Chase; Luva Robinson to Luva Blow; Maude Ann Roystan to Maude Ann Branch; Anna M. Dorval to Anna Marie Laventure; Dorothy Campbell Wilson to Dorothy Campbell; Aniela Flis to Aniela Janieszewska; Audrey Parker to Audrey Bishop; Evelyn May Jacques to Evelyn May Hall; Pearl M. Ziarko to Pearl M. Ingraham; Bernice Wheeler to Bernice Viola Stevens;

Elizabeth Pearl Towne to Elizabeth Signor; Isabella Boisseau to Isabella Barrett; Jennie W. Clarke to Jennie Witham; Louise C. Farris to Louise C. Reynolds; Elizabeth W. Dee to Elizabeth Welch.

Cheshire County—Marie I. LeClair to Marie Irma Hebert; Meredith L. Sanders to Meredith L. Stewart; Winifred F. Hudson to Winifred Frances Witham; Ruth Inez Seymour to Ruth Inez Whitcomb; Mildred M. Allen to Mildred E. Montgomery; June Bodwell to June Croft; Dorothy E. Miller to Dorothy E. Brooks; Pearl L. Lower to Pearl Lamber; Louise L. Hadley to Louise L. Perron; Geraldine T. Vaughan to Geraldine T. Lovering; Edda Renouf von der Marwitz to Edda V. Renouf; Blanche Lillian Winn to Blanche Lillian Plummer.

Sullivan County—Rose H. McKenne to Rose H. Clark; Ethel Vine Chatsey to Ethel Vine Farnsworth; Edith M. Goodwin to Edith M. Ordway; Lillian D. Wallace to Lillian Dewey; Celia A. Kidder to Celia A. Johnson; Luella Mabel Wells Nolan to Luella Mabel Wells; Marion E. Corey to Marion E. Pitkin; Louise May Partlow to Louise May Gilson.

Grafton County—Hazel N. Wilcox to Hazel N. Bliss; Grace R. Burnham to Grace Richardson; Ethel A. Norton to Ethel A. Lafoe; Esther Agnes Haggerty to Esther Agnes Riley; Laura C. Harrower to Laura M. Carter; Edith Knight to Edith Manchester; Odalite E. Johnson to Odalite E. Chesley; Lillian Mae Wheeler to Lillian Mae Rathburn; Ariel M. Smith to Ariel M. Marston; Florence M. Solberg to Florence Morin; Evelyn Estella Butman to Evelyn Estella Hayes; Sally La Belle to Sally Louise Kendall; Mary F. Connery to Mary F. McLachlin; Zilpha A. Heinrich to Zilpha C. Avery; Gladys M. Barry to Gladys M. Fosie; Edith V. Aiken to Edith Violet Ruggles; Florence I. LaCourse to Florence I. Gault; Letha Elizabeth Conlin to Letha Elizabeth Nelson; Emma O. Blanchard to Emma O. Johnson; Josephine M. Phillips to Josephine Raymond; Estella H. Glover to Estella H. Greenhalgh; Florence Ellen Bressette to Florence Ellen Howland; Sarah A. Simonds to Sarah A. Dudley; Rena Greenan Villeneuve to Rena Greenan; Ethel M. Tobin to Ethel M. Hopkins; Edna A. Ingalls to Edna A. Knights.

Coos County—Veneda W. Parshley to Veneda Wheeler; Annie Mae Whitcomb to Annie Mae Bermis; Rita Sloane Ross to Rita Eleanor Sloane; Mary Taylor to Mary Anna Donnelly;

Eliza Howe Tondreau to Eliza Anne Howe; Ruth B. Reed to Ruth B. Courser; Nathalie A. Dow to Nathalie Akers; Helen Willis to Helen Stahl; Verna G. Stevens to Verna G. Berry; Thelma Caird Witham to Thelma Caird; Clara C. Noyes to Clara E. Chamberlain; Hazel M. Reed to Hazel M. McClintock; Helen M. Donnelly to Helen M. Gould; Ruie R. Bunnell to Ruie R. Paige; Emma Louise Wells to Emma Louise Landry; Anne T. Predoehl to Anne Tankard.

PRIVATE ACTS

CHAPTER 257.

AN ACT AMENDING THE CHARTER OF MANCHESTER TURNVEREIN AND GYMNASITICAL SCHOOL.

SECTION

1. Amendment.
2. Title to property.

SECTION

3. Takes effect.

*Be it enacted by the Senate and House of Representatives in
General Court convened:*

1. Amendment. Amend sections 1 and 2 of chapter 88 of the Laws of 1873, by striking out the whole of said sections and substituting therefor the following: **SECTION 1.** That Ferdinand Riedel, Robert Hoppe, Charles Nallgey, Louis Hof-farth, and Edward Zeizel, their associates and successors, are hereby constituted a body politic and corporate, by the name of Manchester Turn Verein, for the purpose of promoting intellectual and physical culture, with all the powers and privileges, and subject to all the duties, restrictions, and liabilities by law incident to corporations of a similar nature. **SECT. 2.** said corporation in the name of Manchesteer Turnverein, or hold real and personal estate to an amount not exceeding one hundred and fifty thousand dollars.

2. Title to Property. All real estate heretofore acquired by said corporation in the name of Manchester Turnverein, or Manchester Turn Verein, is hereby vested in said corporation.

3. Takes Effect. This act shall take effect upon its passage.

[Approved January 28, 1937.]

CHAPTER 258.

AN ACT AUTHORIZING THE NEWPORT SCHOOL DISTRICT TO ISSUE
SERIAL NOTES OR BONDS.

SECTION

1. Authorization.
2. Issue of notes or bonds.
3. Interest rate; signatures.

SECTION

4. Debt limit.
5. Additional rights.
6. Takes effect.

*Be it enacted by the Senate and House of Representatives in
General Court convened:*

1. Authorization. The Newport School District in the town of Newport is hereby authorized to borrow upon its credit a sum not exceeding one hundred and forty-five thousand dollars (\$145,000) for the purpose of remodeling, making additions to and equipping the Richards School, so called, in said town.

2. Issue of Notes or Bonds. The school board of said district is hereby empowered and authorized to issue for and in behalf of said district serial notes or bonds to the amount of one hundred and forty-five thousand dollars or such amount within said limit as said district may determine for the purposes of remodeling, making additions to and equipping said Richards School.

3. Interest Rate; Signatures. Said serial notes or bonds shall bear interest at a rate of not exceeding four per cent, shall be exempt from taxation in New Hampshire and shall be signed by the school board or by a majority thereof and countersigned by the treasurer of said district.

4. Debt Limit. The debt authorized by this act shall be exempt from the limitations imposed upon the borrowing capacity of said district by section 7 of chapter 59 of the Public Laws, or by any other law or statute.

5. Additional Rights. Except as herein otherwise provided said district shall be entitled to all the benefits and subject to all the provisions of chapter 113 of the Laws of 1935.

6. Takes Effect. This act shall take effect upon its passage.

[Approved January 28, 1937.]

CHAPTER 259.

AN ACT CHANGING THE NAME OF THE ROLFE AND RUMFORD
ASYLUM TO ROLFE AND RUMFORD HOME.

SECTION

1. Name changed.

SECTION

2. Takes effect.

*Be it enacted by the Senate and House of Representatives in
General Court convened:*

1. Name Changed. Amend section 1 of chapter 129 of the Laws of 1872, by striking out the word "Asylum" in the fourth line and inserting in place thereof the word, Home, so that said section as amended shall read as follows: SECTION 1. That Joseph B. Walker, Ebenezer S. Towle, Enoch Gerrish, Jesse P. Bancroft and Francis A. Fisk, and their successors, be and hereby are made a body corporate and politic, by the name of the Rolfe and Rumford Home, and by that name may sue and be sued, prosecute and defend to final judgment and execution, and shall have and enjoy all the powers and privileges, and be subject to all the liabilities incident to corporations of a like character.

2. Takes Effect. This act shall take effect upon its passage.

[Approved February 4, 1937.]

CHAPTER 260.

AN ACT RELATING TO THE DATE OF THE TOWN MEETING IN THE
TOWN OF BETHLEHEM.

SECTION

1. Town meeting for town of
Bethlehem.

SECTION

2. Term of office of officers.
3. Repeal; takes effect.

*Be it enacted by the Senate and House of Representatives in
General Court convened:*

1. Town Meeting for the Town of Bethlehem. The annual town meeting of the town of Bethlehem for the year 1937 shall be held on the second Tuesday of March, 1937, for the choice of town officers and the transaction of all other town business and thereafter said annual town meeting shall be held on the second Tuesday of March each year.

2. Term of Office of Town Officers. All town officers

elected at the May, 1936, meeting of the town of Bethlehem for terms which would, under the provisions of chapter 273 of the Laws of 1931, run until the second Tuesday of May shall hold office only until the second Tuesday of March and until their successors shall be duly chosen and qualified.

3. Repeal; Takes Effect. So much of section 3 of said chapter 273 as is inconsistent with the provisions of this act is hereby repealed and this act shall take effect upon its passage.
[Approved February 10, 1937.]

CHAPTER 261.

AN ACT TO AUTHORIZE THE CITY OF BERLIN TO ACQUIRE A CERTAIN PIECE OF LAND IN THE TOWN OF MILAN AND TO OPERATE A RECREATION FIELD THEREON.

SECTION

1. Recreation field.
2. Purchase.
3. Use of field.
4. Board of trustees.

SECTION

5. Powers.
6. Revenue.
7. Application.
8. Takes effect.

Be it enacted by the Senate and House of Representatives in General Court convened:

1. Recreation Field. The city of Berlin is hereby authorized and empowered to construct, manage and own a recreation field for all purposes incident to recreation and for that purpose may take, purchase, lease and hold real estate and erect, construct and maintain such buildings and structures as may be necessary.

1-a. Limitation. The cost of the real estate and construction and erection of buildings and structures thereon, referred to in the preceding section, shall not exceed fifteen thousand dollars (\$15,000) in addition to the amount already expended.

2. Purchase. For the purposes of this act said city is hereby authorized and empowered to purchase for the sum of seventy-five dollars the following parcel of land: A lot of land situated in the town of Milan in the county of Coos being a part of Lot 16, Range 11 and Lot 17, Range 11, containing eight acres more or less.

3. Use of Field. Said city is authorized to contract with individuals, firms or corporations who may desire to use said recreation field and to make such contracts, establish such tolls

and charges for rent for the use of said field as shall be deemed reasonable.

4. Board of Trustees. To carry out the provisions of this act the mayor shall appoint, subject to the approval of the city council, a board of trustees to consist of three members all of whom shall be residents of said city. Said trustees shall serve for such term, and receive such compensation, as the mayor and city council shall from time to time determine.

5. Powers. Said board of trustees shall have full charge and supervision of such recreation fields as shall be assigned to it by the mayor and city council, but shall have no control over public parks, and playgrounds now under the jurisdiction of the park commission. Said board shall have the expenditure of all money appropriated by the mayor and city council for the purposes of said recreation fields and have authority to employ such persons as may be necessary to carry on the work of the board. Said board may also establish such rules and regulations as it may deem proper for the efficient operation of said fields.

6.* Revenue. All money received on account of the recreation fields shall be paid at least monthly into the city treasury and a receipt taken therefor.

7. Application. No provision hereof shall be so construed as to repeal any of the powers of the mayor and city council heretofore granted.

8. Takes Effect. This act shall take effect upon its passage.

[Approved February 12, 1937.]

CHAPTER 262.

AN ACT RELATING TO THE DATE OF THE ANNUAL MEETING OF THE BETHLEHEM VILLAGE DISTRICT.

SECTION

1. Bethlehem village district.
2. Tenure of office.

SECTION

3. Takes effect.

*Be it enacted by the Senate and House of Representatives in
General Court convened:*

1. Bethlehem Village District. Amend section 12 of chapter 295 of the Laws of 1925, as amended by chapter 207 of the

*Amended, chapter 317, *post*.

Laws of 1927 and chapter 273 of the Laws of 1931 by striking out said section and inserting in place thereof the following: SECT. 12. The fiscal year for the district shall end on the fifteenth day of February. The annual meeting shall be held in the month of March after the second Tuesday, beginning with the year nineteen hundred and thirty-seven. In case of the neglect or refusal of the commissioners to warn a meeting or insert an article in a warrant, or of failure to hold an annual meeting within the period of time provided for herein, it shall be called and warned in the same manner as in like cases in towns.

2. Tenure of Office. The officers of said district elected at the annual meeting held on the first Tuesday in October, 1936, shall only hold office until their successors are duly chosen at the annual meeting in March, 1937, and have qualified.

3. Takes Effect. This act shall take effect upon its passage.

[Approved February 17, 1937.]

CHAPTER 263.

AN ACT TO MERGE THE BOARD OF WATER COMMISSIONERS AND THE BOARD OF SEWER COMMISSIONERS OF THE TOWN OF CLAREMONT.

SECTION

1. Commissioners on water works and sewers.
2. Membership; tenure of office.
3. Limitation.

SECTION

4. Powers and duties.
5. Repeal.
6. Takes effect.

*Be it enacted by the Senate and House of Representatives in
General Court convened:*

1. Commissioners on Water Works and Sewers. The board of water commissioners and the board of sewer commissioners of the town of Claremont shall be merged as of the date when this act shall go into effect, and the members of the combined boards at such time shall constitute a board of commissioners on water works and sewers and shall hold office as such until the expiration of the terms for which they shall severally have been chosen.

2. Membership; Tenure of Office. The board of commissioners on water works and sewers shall consist of three mem-

bers except as herein otherwise provided, one member to be chosen each year to serve for the term of three years.

3. Limitation. No new members shall be chosen to serve on said board until by expiration of the terms of members or otherwise there shall be at the time of an annual meeting less than three members remaining, and at such meeting enough new members shall be chosen so that they with the remaining member or members shall be three in number and such new members shall be chosen for such terms that thereafter the term of one member shall expire each year.

4. Powers and Duties. Said board of commissioners of water works and sewers shall have and exercise all the rights and powers of boards of water commissioners and boards of sewer commissioners.

5. Repeal. All acts and parts of acts inconsistent with the provisions of this act shall stand repealed as of the date when this act shall go into effect.

6. Takes Effect. This act shall take effect whenever after its passage said town shall at any annual meeting vote to adopt the provisions hereof.

[Approved February 17, 1937.]

CHAPTER 264.

AN ACT LEGALIZING THE PROCEEDINGS OF THE SPECIAL ELECTION HELD IN THE TOWN OF ENFIELD ON JULY 11, 1936.

SECTION

1. Proceedings legalized.

SECTION

2. Takes effect.

*Be it enacted by the Senate and House of Representatives in
General Court convened:*

1. Proceedings Legalized. The votes and proceedings of the special election held in the town of Enfield on the eleventh day of July, 1936, are hereby legalized, ratified and confirmed.

2. Takes Effect. This act shall take effect upon its passage.

[Approved February 17, 1937.]

CHAPTER 265.

AN ACT TO GRANT ZONING POWERS TO LITTLE BOAR'S HEAD DISTRICT IN THE TOWN OF NORTH HAMPTON.

SECTION

1. Powers granted.

SECTION

2. Takes effect.

Be it enacted by the Senate and House of Representatives in General Court convened:

1. Powers Granted. Amend section 1 of chapter 196 of the Laws of 1905 by striking out the words and figures "53 of the Public Statutes" in the last line and inserting in place thereof the words and figures, 57 of the Public Laws, and by adding at the end of said section the words, and for the purpose of enacting and enforcing zoning regulations with all the powers granted to towns under the provisions of sections 48 to 68 inclusive of chapter 42 of the Public Laws, so that said section as amended shall read as follows: SECTION 1. So much of the territory of the town of North Hampton as is comprised within the following described lines—viz, beginning on the town line between Hampton and North Hampton at the Atlantic ocean; thence running northwesterly one thousand (1000) feet more or less to a stone post set in the ground on said town line on land of G. Garland thence turning and running N. 41° E. three thousand six hundred and ninety (3690) feet to the easterly side of Atlantic avenue, so called, at the division line between land of Nathaniel Tarlton and Charles Brown; thence turning and running N. 44° E. on said division line between Tarlton and Brown, eight hundred and forty-one (841) feet to land of O. A. Brown; thence turning and running N. 75° W. on the division line between O. A. Brown and Charles Brown fifty-eight (58) feet to land of E. D. Brown; thence turning and running N. 44°—15' E. on the division line between land of O. A. Brown and E. D. Brown, two hundred and ninety-six (296) feet to the new road, so called; thence on the same course across said new road, and field of E. D. Brown, three hundred (300) feet to a spotted stake set in the ground on line of stone wall between field and pasture land of E. D. Brown; thence turning and running N. 4° 20' W. five thousand eight hundred and seventy (5870) feet to a stone post set in the ground on the town line between North Hampton and Rye, said stone post being in the field in the rear of buildings of Al-

fred Jenness on the southerly side of Woodland road, so called, and thirty-three (33) feet therefrom; thence southeasterly by the town line between North Hampton and Rye to the Atlantic ocean—shall be constituted a village district in said town for any or either or all purposes enumerated in section 1 of chapter 57 of the Public Laws, and for the purpose of enacting and enforcing zoning regulations with all the powers granted to towns under the provisions of sections 48 to 68 inclusive of chapter 42 of the Public Laws.

2. Takes Effect. This act shall take effect upon its passage.

[Approved February 17, 1937.]

CHAPTER 266.

AN ACT LEGALIZING THE NOVEMBER ELECTION IN THE TOWN OF STODDARD.

SECTION

1. Proceedings legalized.

SECTION

2. Takes effect.

Be it enacted by the Senate and House of Representatives in General Court convened:

1. Proceedings Legalized. The votes and proceedings of the biennial election held on the third day of November, 1936, in the town of Stoddard are hereby legalized, ratified and confirmed.

2. Takes Effect. This act shall take effect upon its passage.

[Approved February 17, 1937.]

CHAPTER 267.

AN ACT TO DISSOLVE THE NEW BOSTON RAILROAD COMPANY.

SECTION

1. New Boston Railroad Company.

SECTION

2. Takes effect.

Be it enacted by the Senate and House of Representatives in General Court convened:

1. New Boston Railroad Company. The New Boston Railroad Company, a corporation created under the provisions of chapter 155 of the Laws of 1891, is hereby dissolved.

2. Takes Effect. This act shall take effect upon its passage.

[Approved February 25, 1937.]

CHAPTER 268.

AN ACT AUTHORIZING THE UNION SCHOOL DISTRICT OF THE CITY OF KEENE TO ISSUE NOTES OR BONDS FOR THE PAY- MENT OF CURRENT EXPENSES.

SECTION

1. Authorization.
2. Issue; interest.

SECTION

3. Application of laws.
4. Takes effect.

*Be it enacted by the Senate and House of Representatives in
General Court convened:*

1. Authorization. The Union School District of the city of Keene is hereby authorized to issue its serial notes or bonds to an amount not exceeding sixty thousand dollars, (\$60,000) for the purpose of paying current expenses of the district from March 10, 1937, to June 30, 1937.

2. Issue; Interest. The notes or bonds shall be issued at such time as the board of education for the said district shall determine and shall bear interest at such rate as the said board deems for the best interests of said district.

3. Application of Laws. The Municipal Bonds Statute shall apply to the notes and bonds issued under this act so far as is consistent with the provisions hereof.

4. Takes Effect. This act shall take effect when approved by a majority of those present and voting at a regular or any special meeting of the voters of the said district to be held on or before July 1, 1937, the warrant for which meeting shall contain an article calling for the consideration of such approval, and after such approval, the fiscal year for the said district shall begin on the first day of July next following as fixed by general law. All acts and proceedings done by the said district, as far as the fiscal year beginning March 10, 1937, is concerned, so far as they might otherwise be deemed unauthorized and unlawful, are hereby legalized, ratified and confirmed.

[Approved March 5, 1937.]

CHAPTER 269.

AN ACT RELATIVE TO THE HOME FOR AGED WOMEN.

SECTION

1. Home for Aged Women.
2. Change of name.

SECTION

3. Takes effect.

Be it enacted by the Senate and House of Representatives in General Court convened:

1. Home for Aged Women. Amend section 2 of chapter 154 of the Laws of 1877, being the charter of the Trustees of the Home for Indigent Women, as amended by chapter 182 of the Laws of 1907, by striking out the words "two hundred and fifty" and inserting in place thereof the words, six hundred, so that said section as amended shall read as follows:
SECT. 2. Said corporation is authorized to take charge of and maintain a home for indigent women, and may acquire and hold or alienate real and personal estate to an amount not exceeding six hundred thousand dollars.

2. Change of Name. The change of name of the corporation from Trustees of the Home for Indigent Women to Home for Aged Women is hereby ratified.

3. Takes Effect. This act shall take effect upon its passage.

[Approved March 11, 1937.]

CHAPTER 270.

AN ACT AUTHORIZING THE TOWN OF WOLFEBORO TO ISSUE
REFUNDING NOTES OR BONDS.

SECTION

1. Authorization.
2. Terms.

SECTION

3. Application of general laws.
4. Takes effect.

Be it enacted by the Senate and House of Representatives in General Court convened:

1. Authorization. The town of Wolfeboro is hereby authorized to issue its serial notes or bonds to an amount not exceeding fifty thousand dollars (\$50,000) for the purpose of refunding outstanding indebtedness and the restoration of the principal of trust funds. Said serial notes or bonds shall be signed by the selectmen and countersigned by the treasurer.

2. Terms. Said issue of serial notes or bonds shall be due and payable at such times, not more than twenty years from their date of issue, and in such amounts, and in such manner as the board of selectmen and treasurer of said town may determine, at a rate of interest to be fixed by said board.

3. Application of General Laws. Except as otherwise provided in this act, the provisions of chapter 59 of the Public Laws shall apply to the serial notes or bonds herein authorized.*

4. Takes Effect. This act shall take effect upon its passage.

[Approved March 11, 1937.]

CHAPTER 271.

AN ACT RELATING TO THE ISSUE OF BONDS BY THE COUNTY OF BELKNAP.

SECTION

1. Belknap county bonds.

SECTION

2. Takes effect.

Be it enacted by the Senate and House of Representatives in General Court convened:

1. Belknap County Bonds. The county commissioners of the county of Belknap are hereby empowered and authorized to issue for and in behalf of said county serial bonds to an amount not exceeding one hundred and fifty thousand dollars for the purpose of refunding outstanding notes of said county. Such bonds shall be payable in substantially equal annual instalments of principal beginning not more than one year and ending not more than twenty years from their date. The county commissioners shall determine the form of such bonds and their date, maturities, rate of interest and place of payment. Such bonds shall be sold at not less than par at public or private sale by the treasurer with the approval of the county commissioners.

2. Takes Effect. This act shall take effect upon its passage.

[Approved March 18, 1937.]

* Section 3-a, chapter 287, *post*.

CHAPTER 272.

AN ACT RELATIVE TO THE BOARD OF PUBLIC WORKS OF THE CITY
OF CONCORD.

SECTION

1. Board of public works.

SECTION

2. Takes effect.

*Be it enacted by the Senate and House of Representatives in
General Court convened:*

1. Board of Public Works. Section 32 of chapter 305, Laws of 1909, as amended by section 1 of chapter 251 of the Laws of 1931, is hereby amended by striking out the whole of said section and inserting in place thereof the following: SECT. 32. The board of public works shall have the expenditure of all appropriations voted by the board of aldermen for any purpose specified in the preceding section, and all bills for expenditures for such purposes shall be approved by a majority of its members before being paid by the city treasurer. The services of the city engineer shall be at the disposal of the board of public works at all times, and all work done by him regarding the subjects enumerated in the preceding section shall be under its direction. Said board shall have the appointment of a city engineer, superintendent of streets and such other agents and employees as it may deem necessary for the proper execution of the details of the work under its charge, prescribe their duties, and fix their compensation; such superintendent of streets, city engineer and other subordinates shall act in all respects in accordance with its plans and directions, and may be removed by it at pleasure. It shall have charge of all horses, vehicles, machinery, tools, materials, buildings and equipment owned by the city for the purposes of such work; may from time to time purchase all new equipment required for such purposes, and sell any discarded or surplus equipment; may make such regulations for its own government, and for the government of its subordinates and of the property under its charge, as it may deem expedient; and may, in its discretion, procure the performance of any work under its charge by contract, and for that purpose call for proposals and make and execute in the name and on behalf of the city a suitable contract therefor with the lowest responsible bidder, taking from him proper security for the performance of such contract; but no such contract shall call for

the expenditure of a sum exceeding the amount appropriated or available for such work.

2. Takes Effect. All acts and parts of acts inconsistent with this act are hereby repealed, and this act shall take effect upon its passage.

[Approved March 18, 1937.]

CHAPTER 273.

AN ACT AUTHORIZING THE TOWN OF STRAFFORD TO ISSUE REFUNDING NOTES OR BONDS.

SECTION

1. Authorization.
2. Terms.

SECTION

3. Application of laws.
4. Takes effect.

*Be it enacted by the Senate and House of Representatives in
General Court convened:*

1. Authorization. The town of Strafford is hereby authorized to issue its serial notes or bonds to an amount not exceeding nineteen thousand dollars (\$19,000) for the purpose of refunding outstanding indebtedness of a like amount including outstanding notes in anticipation of taxes, principal of trust funds used by town, other notes, debts, and other liabilities.

2. Terms. Said notes or bonds shall be issued at such time as the selectmen of the town may determine, and shall bear interest at such rate, not exceeding five per cent per annum, as said selectmen deem for the best interest of said town.

3. Application of Laws. The Municipal Bonds Statute shall apply to the notes and bonds issued under this act so far as is consistent with the provisions hereof.*

4. Takes Effect. This act shall take effect upon its passage.

[Approved March 25, 1937.]

* Section 3-a, chapter 304, *post*.

CHAPTER 274.

AN ACT TO AMEND THE CHARTER OF L'UNION ST. JEAN BAPTISTE
SOCIETY IN NASHUA.

SECTION

1. Amendment.

SECTION

2. Takes effect.

*Be it enacted by the Senate and House of Representatives in
General Court convened:*

1. Amendment. Amend section 2 of chapter 251 of the Laws of 1887 as amended by section 1 of chapter 225 of the Laws of 1905 by striking out the words "fifteen thousand dollars" in said section and inserting in place thereof the following; one hundred thousand dollars, so that said section as amended shall read as follows: SECT. 2. Said corporation shall have the power to hold real and personal estate by gift, bequest, or otherwise, to an amount not exceeding one hundred thousand dollars, and may dispose of the same at pleasure. The said corporation is hereby authorized and empowered to issue capital stock not to exceed twenty-five thousand dollars, divided into one thousand shares of the par value of twenty-five dollars each, and no person shall own or hold any of the said capital stock unless such owner or holder is a member of the said society, provided, the said limitation as to ownership shall be plainly expressed on each of the stock certificates issued under this act.

2. Takes Effect. This act shall take effect upon its passage.

[Approved March 25, 1937.]

CHAPTER 275.

AN ACT LEGALIZING THE PROCEEDINGS OF THE ANNUAL TOWN
MEETING HELD IN THE TOWN OF BRISTOL,
MARCH 9, 1937.

SECTION

1. Proceedings legalized.

SECTION

2. Takes effect.

*Be it enacted by the Senate and House of Representatives in
General Court convened:*

1. Proceedings Legalized. The votes and proceedings of the annual town meeting held in the town of Bristol on the

ninth day of March, 1937, are hereby legalized, ratified and confirmed.

2. Takes Effect. This act shall take effect upon its passage.

[Approved March 30, 1937.]

CHAPTER 276.

AN ACT LEGALIZING THE NOVEMBER ELECTION IN THE TOWN OF LONDONDERRY.

SECTION

1. Proceedings legalized.

SECTION

2. Takes effect.

Be it enacted by the Senate and House of Representatives in General Court convened:

1. Proceedings Legalized. The votes and proceedings of the biennial election held on the third day of November, 1936, in the town of Londonderry are hereby legalized, ratified and confirmed.

2. Takes Effect. This act shall take effect upon its passage.

[Approved March 30, 1937.]

CHAPTER 277.

AN ACT RELATING TO THE FIRST BAPTIST SOCIETY IN HAMPTON.

SECTION

1. Date of annual meeting.

SECTION

2. Takes effect.

Be it enacted by the Senate and House of Representatives in General Court convened:

1. Date of Annual Meeting. Amend the fourth paragraph of an act approved June 27, 1817, being the charter of the First Baptist Society in Hampton, by striking out the words "first Monday of March" in the second line and inserting in place thereof the words, second Thursday of March, so that said paragraph as amended shall read as follows: And be it further enacted, that said society shall annually meet on the second Thursday of March for the purpose aforesaid, and for choosing all proper officers for transacting the business of said corporation, who shall be sworn to the faithful discharge of

their duty, and all meetings of said society in future shall be warned or notified by the clerk of the same, or in case of his death or absence by the standing committee of the same, who shall cause a notification setting forth the business to be transacted at said meeting, to be posted up at such place as said society shall direct, fifteen days prior to said meeting of said society in manner and form aforesaid.

2. Takes Effect. This act shall take effect upon its passage.

[Approved April 7, 1937.]

CHAPTER 278.

AN ACT TO AMEND THE CHARTER OF THE TRUSTEES OF THE PROTESTANT EPISCOPAL CHURCH IN NEW HAMPSHIRE.

SECTION

1. Property authorized.

SECTION

2. Takes effect.

*Be it enacted by the Senate and House of Representatives in
General Court convened:*

1. Property Authorized. An act entitled "An Act to incorporate sundry persons by the name of The Trustees of the Protestant Episcopal Church in New Hampshire," approved July 10, 1846, as amended by an act approved June 29, 1853, an act approved June 28, 1877, and by chapter 265 of the Laws of 1931, is further amended by striking out section 1 of said chapter 265 of the Laws of 1931 and substituting therefor the following: The Trustees of the Protestant Episcopal Church in New Hampshire may receive and hold in trust or otherwise by subscription, grants, gifts, bequests or otherwise real and personal estate not exceeding in value at any one time the sum of one million five hundred thousand dollars, and the same or the income thereof may invest, reinvest or appropriate for the benefit of the Protestant Episcopal Church in New Hampshire as said corporation by its by-laws or votes may direct, and as the conditions of the trust shall prescribe.

2. Takes Effect. This act shall take effect upon its passage.

[Approved April 13, 1937.]

CHAPTER 279.

AN ACT AUTHORIZING THE TOWN OF CONWAY TO ISSUE REFUNDING NOTES OR BONDS.

SECTION

1. Authorization.
2. Terms.

SECTION

3. Application of general laws.
4. Takes effect.

Be it enacted by the Senate and House of Representatives in General Court convened:

1. Authorization. The town of Conway is hereby authorized to issue its serial notes or bonds to an amount not exceeding thirty-three thousand dollars (\$33,000) for the purpose of refunding outstanding indebtedness. Said serial notes or bonds shall be signed by the selectmen and countersigned by the treasurer.

2. Terms. Said issue of serial notes or bonds shall be due and payable at such times, not more than twenty years from their date of issue, and in such amounts, and in such manner as the board of selectmen and treasurer of said town may determine, at a rate of interest to be fixed by said board.

3. Application of General Laws. Except as otherwise provided in this act, the provisions of chapter 59 of the Public Laws shall apply to the serial notes or bonds herein authorized.*

4. Takes Effect. This act shall take effect upon its passage.

[Approved April 13, 1937.]

CHAPTER 280.

AN ACT LEGALIZING THE PROCEEDINGS OF THE TOWN MEETING HELD IN THE TOWN OF MIDDLETON MARCH 9, 1937.

SECTION

1. Proceedings legalized.

SECTION

2. Takes effect.

Be it enacted by the Senate and House of Representatives in General Court convened:

1. Proceedings Legalized. The votes and proceedings of the town meeting held in the town of Middleton March 9, 1937, are hereby legalized, ratified and confirmed.

* Section 3-a, chapter 293, *post*.

2. Takes Effect. This act shall take effect upon its passage.

[Approved April 13, 1937.]

CHAPTER 281.

AN ACT AUTHORIZING THE TOWN OF COLEBROOK TO ISSUE RE-FUNDING NOTES OR BONDS.

SECTION

1. Authorization.
2. Terms.
3. Proceedings legalized.

SECTION

4. Application of general laws.
5. Takes effect.

Be it enacted by the Senate and House of Representatives in General Court convened:

1. Authorization. The town of Colebrook is hereby authorized to issue its serial notes or bonds to an amount not exceeding forty-five thousand dollars (\$45,000) for the purpose of refunding outstanding indebtedness. Said serial notes or bonds shall be signed by the selectmen and countersigned by the treasurer.

2. Terms. Said issue of serial notes or bonds shall be due and payable at such times, not more than twenty years from their date of issue, and in such amounts, and in such manner as the board of selectmen and treasurer of said town may determine, at a rate of interest to be fixed by said board.

3. Proceedings Legalized. The proceedings of the annual town meeting held in said Colebrook on March 9, 1937, so far as they relate to the appropriations for the purposes set forth in section 1, and the issuance of notes and bonds in pursuance thereof, are hereby legalized, ratified and confirmed and made as effective as if such proceedings were taken after the passage of this act.

4. Application of General Laws. Except as otherwise provided in this act, the provisions of chapter 59 of the Public Laws shall apply to the serial notes or bonds herein authorized.

5. Takes Effect. This act shall take effect upon its passage.

[Approved April 15, 1937.]

CHAPTER 282.

AN ACT TO AMEND THE CHARTER OF CLARK SCHOOL FOUNDATION.

SECTION

1. Amendment.

SECTION

2. Takes effect.

Be it enacted by the Senate and House of Representatives in General Court convened:

1. Amendment. Amend section 1 of chapter 282, Laws of 1935, by striking out the whole of said section and substituting therefor the following: **1. Corporation Constituted.** That Clifford P. Clark, Frank M. Morgan, Perley R. Bugbee of Hanover, New Hampshire, J. Walker Wiggins of Manchester, New Hampshire, and A. R. Heneage of Hanover, New Hampshire, be, and they hereby are, constituted a corporation by the name of Clark School Foundation, and they and such others as shall be duly elected members of said corporation at any meeting thereof according to such by-laws as may hereafter be established, shall be and remain a body politic and corporate by said name and from the passage of this act for the purpose of receiving funds, investing and reinvesting these funds and the income from the same; also for expending such portions of the income and principal as the trustees hereafter designated, shall from time to time deem advisable for the purpose of owning, operating and conducting an educational institution under the name of Clark School, and for any other educational purpose.

2. Takes Effect. This act shall take effect upon its passage.

[Approved April 15, 1937.]

CHAPTER 283.

AN ACT AUTHORIZING THE CONWAY VILLAGE FIRE DISTRICT TO ISSUE REFUNDING NOTES OR BONDS.

SECTION

1. Authorization.
2. Terms.

SECTION

3. Application of general laws.
4. Takes effect.

*Be it enacted by the Senate and House of Representatives in
General Court convened:*

1. Authorization. The Conway Village Fire District is hereby authorized to issue its serial notes or bonds to an amount not exceeding six thousand dollars (\$6,000) for the purpose of refunding outstanding indebtedness. Said serial notes or bonds shall be signed by the commissioners of the district, or a majority thereof, and countersigned by the treasurer.

2. Terms. Said issue of serial notes or bonds shall be due and payable at such times, not more than twenty years from their date of issue, in such amounts and in such manner, as the commissioners of said district may determine, and at a rate of interest to be fixed by said commissioners.

3. Application of General Laws. Except as otherwise provided in this act, the provisions of chapter 59 of the Public Laws shall apply to the serial notes or bonds herein authorized.

4. Takes Effect. This act shall take effect upon its passage.

[Approved April 15, 1937.]

CHAPTER 284.

AN ACT LEGALIZING THE PROCEEDINGS OF THE ANNUAL TOWN MEETING HELD IN THE TOWN OF PITTSFIELD ON MARCH 9, 1937.

SECTION

1. Proceedings legalized.

SECTION

2. Takes effect.

*Be it enacted by the Senate and House of Representatives in
General Court convened:*

1. Proceedings Legalized. The votes and proceedings of the annual town meeting held in the town of Pittsfield on the

ninth day of March, 1937, are hereby legalized, ratified and confirmed.

2. Takes Effect. This act shall take effect upon its passage.

[Approved April 21, 1937.]

CHAPTER 285.

AN ACT LEGALIZING THE MARCH MEETING IN THE TOWN OF HEBRON.

SECTION

1. Proceedings legalized.

SECTION

2. Takes effect.

*Be it enacted by the Senate and House of Representatives in
General Court convened:*

1. Proceedings Legalized. The votes and proceedings of the annual town meeting held on the ninth day of March, 1937, in the town of Hebron are hereby legalized, ratified and confirmed.

2. Takes Effect. This act shall take effect upon its passage.

[Approved April 21, 1937.]

CHAPTER 286.

AN ACT LEGALIZING THE PROCEEDINGS OF THE MEETING OF THE WEARE SCHOOL DISTRICT HELD IN THE TOWN OF WEARE ON APRIL 10, 1937.

SECTION

1. Proceedings legalized.

SECTION

2. Takes effect.

*Be it enacted by the Senate and House of Representatives in
General Court convened:*

1. Proceedings Legalized. The votes and proceedings of the meeting of the Weare School District held in the town of Weare on April 10, 1937, are hereby legalized, ratified and confirmed.

2. Takes Effect. This act shall take effect upon its passage.

[Approved May 4, 1937.]

CHAPTER 287.

AN ACT RELATIVE TO AN AUTHORIZED BOND ISSUE BY THE TOWN OF WOLFEBORO.

SECTION

1. Wolfeboro bond issue.

SECTION

2. Takes effect.

Be it enacted by the Senate and House of Representatives in General Court convened:

1. Amendment. The act entitled "An Act authorizing the town of Wolfeboro to issue refunding notes or bonds" approved March 11, 1937,* is hereby amended by inserting after section 3 the following new section: **3-a. Proceedings Legalized.** The proceedings of the annual town meeting held in said Wolfeboro on March 9, 1937, so far as they relate to the appropriations for the purposes set forth in section 1 and the issuance of notes or bonds in pursuance thereof, are hereby legalized, ratified and confirmed and made as effective as if such proceedings were taken after the passage of this act.

2. Takes Effect. This act shall take effect upon its passage.

[Approved May 5, 1937.]

CHAPTER 288.

AN ACT AUTHORIZING THE TOWN OF FARMINGTON TO ISSUE REFUNDING BONDS.

SECTION

1. Authority.

2. Terms.

3. Proceedings legalized.

SECTION

4. Application of general law.

5. Takes effect.

Be it enacted by the Senate and House of Representatives in General Court convened:

1. Authority. The town of Farmington is hereby authorized to issue its serial notes or bonds to an amount not exceeding twenty-two thousand dollars for the purpose of refunding an equal amount of floating debt represented by outstanding notes. Said serial notes or bonds shall be signed by the selectmen, or a majority thereof, and countersigned by the treasurer.

* Chapter 270, *ante*.

2. **Terms.** Said issue of said notes or bonds shall be due and payable at such times not more than twenty years from the date of issue and in such amounts and in such manner as the board of selectmen and treasurer of said town shall determine at a rate of interest to be fixed by said board.

3. **Proceedings Legalized.** The proceedings of the annual town meeting held in said Farmington on March 9, 1937, so far as they relate to the appropriations for the purposes set forth in section 1 and the issuance of notes and bonds in pursuance thereof are hereby legalized, ratified and confirmed and made as effective as if such proceedings were taken after the passage of this act.

4. **Application of General Law.** Except as otherwise provided in this act the provisions of chapter 59 of the Public Laws shall apply to the serial notes or bonds hereby authorized.

5. **Takes Effect.** This act shall take effect upon its passage.

[Approved May 5, 1937.]

CHAPTER 289.

AN ACT AUTHORIZING THE BETHLEHEM VILLAGE DISTRICT TO ISSUE REFUNDING BONDS OR NOTES.

SECTION

1. Authorization.
2. Terms.
3. Application of general laws.

SECTION

4. Proceedings legalized.
5. Takes effect.

*Be it enacted by the Senate and House of Representatives in
General Court convened:*

1. **Authorization.** The Bethlehem Village District is hereby authorized to issue its bonds or notes to an amount not exceeding fifty thousand dollars (\$50,000) for the purpose of refunding outstanding indebtedness of the district.

2. **Terms.** The said notes or bonds shall be designated "Water Works Funding Bonds of the Bethlehem Village District, Issue of 1937," shall be issued in denominations of one thousand dollars and five hundred dollars, and shall be payable in annual installments of twenty-five hundred dollars for twenty years.

3. **Application of General Laws.** Except as otherwise provided in this act, the provisions of chapter 59 of the Public Laws shall apply to the bonds or notes hereby authorized.

4. **Proceedings Legalized.** The proceedings of the annual meeting of the Bethlehem Village District held on March 10, 1937, so far as they relate to the appropriations for the purposes set forth in section 1 and the issuance of notes or bonds in pursuance thereof, are hereby legalized, ratified and confirmed and made as effective as if such proceedings were taken after the passage of this act.

5. **Takes Effect.** This act shall take effect upon its passage.

[Approved May 6, 1937.]

CHAPTER 290.

AN ACT LEGALIZING THE PROCEEDINGS OF THE MEETING OF THE CONWAY VILLAGE FIRE DISTRICT HELD IN THE TOWN OF CONWAY MARCH 31, 1937.

SECTION

1. Proceedings legalized.

SECTION

2. Takes effect.

*Be it enacted by the Senate and House of Representatives in
General Court convened:*

1. **Proceedings Legalized.** The votes and proceedings of the meeting of the Conway Village Fire District held in the town of Conway March 31, 1937, are hereby legalized, ratified and confirmed.

2. **Takes Effect.** This act shall take effect upon its passage.

[Approved May 6, 1937.]

CHAPTER 291.

AN ACT AUTHORIZING THE WOODSVILLE FIRE DISTRICT TO ISSUE NOTES OR BONDS IN EXCESS OF ITS DEBT LIMITATION.

SECTION

1. Authorization.
2. Terms.

SECTION

3. Application of general laws.
4. Takes effect.

Be it enacted by the Senate and House of Representatives in General Court convened:

1. Authorization. The Woodsville Fire District is hereby authorized to issue its serial notes or bonds to an amount not exceeding forty-five thousand dollars (\$45,000)* for the purpose of erecting a community house. Said serial notes or bonds shall be signed by the commissioners of said district, or a majority thereof, and countersigned by the treasurer of said district.

2. Terms. Said issue of serial notes or bonds shall be due and payable at such times, not more than twenty years from their date of issue, in such manner and with such provisions as the commissioners of said district, or a majority thereof, shall determine, and at a rate of interest to be fixed by said commissioners.

3. Application of General Laws. Except as otherwise provided by this act the provisions of chapter 59 of the Public Laws shall apply to the serial notes or bonds herein authorized.

4. Takes Effect. This act shall take effect upon its passage.

[Approved May 11, 1937.]

CHAPTER 292.

AN ACT RELATING TO THE POWERS OF RYE BEACH PRECINCT DISTRICT IN THE TOWN OF RYE.

SECTION

1. Powers granted.

SECTION

2. Takes effect.

Be it enacted by the Senate and House of Representatives in General Court convened:

1. Powers Granted. Amend section 1 of chapter 195 of the Laws of 1905 by striking out the words and figures "53 of the

* Amended, chapter 310, *post*.

Public Statutes" in the last line, and inserting in place thereof the words and figures, 57 of the Public Laws as now amended or as the same may hereafter be amended, and by inserting the following sentence at the end thereof; Said village district shall have the exclusive power within its territorial limits to enact and enforce zoning regulations, together with all the powers with respect thereto granted to towns under the provisions of sections 48 to 68, inclusive, of chapter 42 of the Public Laws; and the exclusive power within its territorial limits to enact and enforce planning regulations, together with all the powers with respect thereto granted to municipalities under the provisions of chapter 55 of the Laws of 1935, so that said section as amended shall read as follows: 1. So much of the territory of the town of Rye as is comprised within the following described lines—viz; beginning on the town line between North Hampton and Rye at the Atlantic ocean; thence running northwesterly by said town line to a stone post in the ground in the field in the rear of buildings of Alfred Jenness and on the southerly side of Woodland road, so called, and thirty-three (33) feet therefrom; thence turning and running N. 69° 30' E. three thousand eight hundred and sixty (3860) feet through land of Alfred Jenness, Geo. White, C. W. Jones and J. A. Brown to the northerly side of Love lane, so called, at a point nine hundred and ten (910) feet westerly from Central street, so called; thence turning and running N. 74° 40' E. on the westerly side of Love lane nine hundred and ten (910) feet to the westerly side of Central street; thence on the same course across Central street and on the southerly side of the right of way of A. P. Brown (from Central street to pasture land easterly) thirteen hundred and thirty (1330) feet; thence turning and running S. 43° E. twenty-three hundred and fifty (2350) feet through land of J. H. Perkins and along the easterly side of land of Decatur Parsons to the Atlantic ocean—shall be constituted a village district in said town for any or either or all purposes enumerated in section 1 of chapter 57 of the Public Laws as now amended or as the same may hereafter be amended. Said village district shall have the exclusive power within its territorial limits to enact and enforce zoning regulations, together with all the powers with respect thereto granted to towns under the provisions of sections 48 to 68, inclusive, of chapter 42 of the Public Laws;

and the exclusive power within its territorial limits to enact and enforce planning regulations, together with all the powers with respect thereto granted to municipalities under the provisions of chapter 55 of the Laws of 1935.

2. Takes Effect. This act shall take effect upon its passage.

[Approved May 11, 1937.]

CHAPTER 293.

AN ACT RELATIVE TO AN AUTHORIZED BOND ISSUE BY THE TOWN OF CONWAY.

SECTION

1. Conway bond issue.

SECTION

2. Takes effect.

Be it enacted by the Senate and House of Representatives in General Court convened:

1. Amendment. The act entitled "An Act authorizing the town of Conway to issue refunding notes or bonds" approved April 13, 1937, is hereby amended by inserting after section 3 the following new section: **3-a. Proceedings Legalized.** The proceedings of the annual town meeting held in said Conway on March 9, 1937,* so far as they relate to the appropriations for the purposes set forth in section 1 and the issuance of notes or bonds in pursuance thereof, are hereby legalized, ratified and confirmed and made as effective as if such proceedings were taken after the passage of the act.

2. Takes Effect. This act shall take effect upon its passage.

[Approved May 12, 1937.]

* Chapter 279, *ante*.

CHAPTER 294.

AN ACT AUTHORIZING THE ORFORD SCHOOL DISTRICT IN THE
TOWN OF ORFORD TO ISSUE NOTES OR BONDS FOR
THE REMODELING OF A SCHOOL BUILDING.

SECTION

1. Authorization.
2. Terms.
3. Application of general laws.

SECTION

4. Proceedings legalized.
5. Takes effect.

*Be it enacted by the Senate and House of Representatives in
General Court convened:*

1. Authorization. The Orford School District in the town of Orford is hereby authorized to issue its serial notes or bonds to an amount not exceeding twenty-two thousand five hundred dollars (\$22,500) for the purpose of the construction of an addition to, and repairs upon, the school building on Orford street known as Orford Academy. Said notes or bonds shall be signed by the school board, or a majority thereof, and countersigned by the treasurer.

2. Terms. Said issue of serial notes or bonds shall be due and payable at such times, not more than twenty years from their date of issue, in such amounts, and in such manner, as the school board of said district may determine and at a rate of interest to be fixed by said board.

3. Application of General Laws. Except as otherwise provided herein the provisions of chapter 59 of the Public Laws shall apply to the notes or bonds herein authorized.

4. Proceedings Legalized. The proceedings and votes of the annual meeting of the Orford School District held in said Orford March 20, 1937, in so far as they relate to the appropriation, and issuance of serial notes or bonds, for the purposes set forth in section 1 are hereby legalized, ratified and confirmed.

5. Takes Effect. This act shall take effect upon its passage.

[Approved May 19, 1937.]

CHAPTER 295.

AN ACT RELATIVE TO THE HEDDING CAMP MEETING ASSOCIATION.

SECTION

1. Hedding Camp Meeting Association.

SECTION

2. Takes effect.

Be it enacted by the Senate and House of Representatives in General Court convened:

1. Hedding Camp Meeting Association. Amend section 1 of chapter 231 of the Laws of 1901, which act is in amendment to the charter of the Hedding Camp Meeting Association approved June 2, 1863, by striking out the words, "the same not to exceed one per cent upon the valuation which the assessors of the town of Epping shall place upon said property, as the basis of town taxation for the then current year" so that said section as amended shall read as follows: Section 1. That the Hedding Camp Meeting Association may lay upon each and every one of its members who is or may become the owner of property within the grounds now or hereafter owned or controlled by said association, an annual tax or assessment.

2. Takes Effect. This act shall take effect upon its passage.

[Approved May 19, 1937.]

CHAPTER 296.

AN ACT AUTHORIZING THE TOWN OF STEWARTSTOWN TO ISSUE REFUNDING BONDS.

SECTION

1. Authority.
2. Terms.
3. Proceedings legalized.

SECTION

4. Application of general laws.
5. Takes effect.

Be it enacted by the Senate and House of Representatives in General Court convened:

1. Authority. The town of Stewartstown is hereby authorized to issue its serial notes or bonds to an amount not exceeding eighty thousand dollars (\$80,000) for the purpose of paying outstanding notes and indebtedness of the town. Said serial notes or bonds shall be signed by the selectmen, or a majority thereof, and countersigned by the treasurer.

2. Terms. Said issue of notes or bonds shall be due and

payable at such times not more than twenty years from the date of issue and in such amounts and in such manner as the board of selectmen and treasurer of said town shall determine and at a rate of interest to be fixed by said board.

3. Proceedings Legalized. The proceedings of the annual town meeting held in said Stewartstown on March 9, 1937, and the proceedings of the special town meeting held in said town on May 11, 1937, so far as they relate to the appropriations for the purposes set forth in section 1 and the issuance of notes or bonds in pursuance thereof are hereby legalized, ratified and confirmed, and made as effective as if such proceedings were taken after the passage of this act.

4. Application of General Laws. Except as otherwise provided in this act, the provisions of chapter 59 of the Public Laws shall apply to the said notes or bonds hereby authorized.

5. Takes Effect. This act shall take effect upon its passage.

[Approved May 20, 1937.]

CHAPTER 297.

AN ACT TO REPEAL CHARTERS OF CERTAIN CORPORATIONS.

SECTION

1. Charters repealed.
2. Remedies preserved.
3. Reinstatement.

SECTION

4. Disposition of property.
5. Takes effect.

Be it enacted by the Senate and House of Representatives in General Court convened:

1. Charters Repealed. The charter or certificate of incorporation of each of the following named corporations is hereby repealed, revoked and annulled except as otherwise here specified:

A. & P. Shoe Co., Inc. (Derry, 1935)

Airmobile Corporation (Milford, 1934)

Albamont Gardens, Inc. (Campton, 1932)

Alpha Holding Company, Inc. (Concord, 1935)

Atlantic Building Association (Seabrook, 1921)

Atlantic Gypsum Products Company (Portsmouth, 1926)

Atlantic Research Associates, Inc. (Portsmouth, 1930)

Baldwin Auto Company, Inc., The (Colebrook, 1924)

Bedford Packing Company (Bedford, 1935)
Belknap Aero Club, Inc. (Laconia, 1935)
Belknap County Farmers' Exchange (Laconia, 1919)
Belknap Mills Corporation (Laconia, 1928)
Bell Hardware Co. (Derry, 1915)
Berlin Co-operative Dairy, Inc. (Berlin, 1936)
Big 4 Tire Stores Inc. (Nashua, 1933)
Biltmore Shoe Corporation (Manchester, 1936)
Bishop Real Estate Company, Inc. (Hanover, 1929)
Bixby Greenhouses, Inc., The (Manchester, 1924)
Blodgett Heat, Light & Power Company (Boston, 1900)
Boston Tavern, Inc. (Manchester, 1934)
Brass Rail, Inc., The (Manchester, 1929)
Brown Derby, Inc., The (Nashua, 1933)
Builders Supply & Mfg. Co. Inc. (Manchester, 1932)
Buxton Greenhouses, Inc., The (Nashua, 1919)
Camp Greggmere, Inc. (Antrim, 1922)
Carter & Churchill Realty Co. (Lebanon, 1920)
Catamount Dairies, Inc. (Pittsfield, 1930)
Cavanaugh Lumber Company, Inc., Paul (Bedford, 1933)
Champlain Loan and Investment Corporation (Berlin, 1931)
Charm-U Cosmetics Company, The (Manchester, 1933)
Cleham Shoe Company, Inc. (Farmington, 1935)
Commercial Offset Company (Concord, 1935)
Community Gas Company, Inc. (Derry, 1932)
Concord Dairy Co., Inc. (Concord, 1921)
Concord Furniture Company (Concord, 1923)
Concord Mica Company (Concord, 1931)
Concord Silversmiths, Inc. (Concord, 1931)
Consolidated Motorcyclists (Keene, 1909)
Coos Gas Company (Berlin, 1931)
Coos Guardian Publishing Company, Incorporated, The (Berlin, 1934)
Cote Realty Company (Berlin, 1934)
Craft's Inc. (Nashua, 1934)
Cragg Bindery, Inc., The (Concord, 1928)
Crown Hill Quarry Company (Milford, 1919)
Crystal Cafe, Inc. (Keene, 1926)
Dairymen Associates Incorporated (Nashua, 1935)
Danbury Light and Power Company (Danbury, 1927)
Danville Building Association (Danville, 1918)

Derry Factories Corporation, Inc. (Derry, 1932)
Dexter Optical Co., Inc. (Concord, 1930)
Dole-Rosengard Shoe Corporation (formerly Dole-Waldron
Shoe Corporation, Farmington, 1936)
Dover Amusement Company (Concord, 1919)
Duplessis Express, Incorporated (Manchester, 1933)
Duply Corporation, The (Milford, 1933)
Dutch Boy Bakers Corporation (Laconia, 1935)
Dutch Boy Bakers, Inc. (Laconia, 1935)
Eastern States Bridge Co. (Concord, 1930)
Eastern Wholesale Drug and Perfumery, Inc. (Keene, 1935)
Eastman Company, Chandler (Concord, 1908)
Elm Mills, Inc. (Northfield, 1921)
Everett Norfolk Company (Lebanon, 1926)
Federal Truck Sales, Inc. of New Hampshire (Manchester,
1935)
Fellows Wood Heel Company (Brentwood, 1928)
Flather Company, The (Nashua, 1923)
Flemings Incorporated, A. W. (Manchester, 1932)
Flint, Incorporated, W. H. (Concord, 1921)
Florida Realty Company, The (Manchester, 1930)
Franggos, Louis D. (Manchester, 1930)
Franklin Lectures, Inc. (Sunapee, 1935)
Franklin Shoe Corporation (Portsmouth, 1934)
Fuel Economy Sales Corporation (Manchester, 1932)
Furber & Ayers, Inc. (Claremont, 1933)
Gem Theatre Company, The (Berlin, 1909)
General Tire & Rubber Company of New Hampshire, The
(Manchester, 1915)
George's Cafe, Inc. (Manchester, 1935)
Gibbs Holding Company (Dover, 1926)
Gilsum Woolen Mills, Inc. (Gilsum, 1932)
Glen Avenue Realty Company, The (Berlin, 1933)
Glenn's Cut Rate, Inc. (Manchester, 1934)
Goddard Hotels Inc., A. W. (Lincoln, 1929)
Gold Purchasing Corporation (Manchester, 1934)
Gould Hotel Company (Newport, 1920)
Granite Clothing Company (Concord, 1935)
Granite State Beer & Wine Co., Inc. (Manchester, 1933)
Granite State Dry Cleansers, Inc. (Keene, 1932)
Granite State Quarries Company (Concord, 1923)

Great Falls Woolen Company (Somersworth, 1863)
Greenville Curtain Co., Inc. (Greenville, 1928)
Hamlin Brass Company, Inc., The E. F. (Rochester, 1923)
Hanf-Blackey Shoe Company (Derry, 1934)
Hanover Dry Cleansing Corporation (Hanover, 1934)
Hanover Shoe Store, Inc. (Manchester, 1934)
Hanson American Band, The (Rochester, 1901)
Hart Box Company, D. J. (Marlboro, 1917)
Heatmaster Burner Corporation (Nashua, 1927)
Heller's Inc. (Claremont, 1931)
Hemlock Oil Co., The (Derry, 1907)
Hibernian Building Association of Manchester, New Hampshire (Manchester, 1918)
Hill Chair Company (Hill, 1932)
Hill Chairs, Inc. (Hill, 1935)
Hillsborough Woolen Mill Company, The (Hillsborough, 1885)
Hittleman Goldenrod Brewery, Inc. of New Hampshire (Manchester, 1934)
Homes, Inc. (Manchester, 1935)
Hurlbut, Rogers Machinery Company, The (Nashua, N. H. and South Sudbury, Mass., 1915)
Improved Laundry Machinery Corporation, The (Nashua, 1935)
Independent Coke Company (Portsmouth, 1932)
Indian Head Clothing House, Inc. (Nashua, 1935)
Jones Brewing Company, Frank (Portsmouth, 1935)
Kallechey Store, Inc. (Concord, 1935)
Kaplan Shoe Company (Dover, 1933)
Kappa Sigma House, The (Hanover, 1910)
Keene Artistic Narrow Web Company (Keene, 1913)
Keene Coal Company (Keene, 1923)
Keene Dairy Exchange (Keene, 1910)
Keene Screen Company (Keene, 1923)
Keene Silk Fibre Mills (Keene, 1919)
Kelleys' Service Station, Incorporated (Berlin, 1928)
Kilonis Shows, Inc., John D. (Manchester, 1934)
Kingston Wood Heel, Inc. (Kingston, 1934)
Laconia Water Power Company, The (Laconia, 1893)
Lake City Motors, Inc. (Laconia, 1932)
Lake Winnepesaukee Lumber Co., Inc. (Wolfeboro, 1934)
Lancaster Garage and Auto Company, The (Lancaster, 1910)

Lane, Incorporated, C. J. (Laconia, 1934)
Langdon Lumber and Garage Company, The (Langdon, 1923)
Lee Brothers Company (Concord, 1904)
Levine's, Inc. (Concord, 1932)
Lincoln Pharmacy, Incorporated, The (Manchester, 1934)
Lindahl, Inc. (Manchester, 1930)
Lippitt Shoe Co. (Dover, 1934)
Lisbon General Store, Inc. (Lisbon, 1925)
Lockwood Insurance Agency, Inc. (Manchester, 1936)
Lougee Company, Bernard A. (Pittsfield, 1915)
Louis Clothiers and Tailors, Inc. (Manchester, 1934)
Lucerne Inn, Incorporated (Canaan, 1935)
Lynn Wood Heel Company (Keene, 1925)
Manchester Auto Garage Company (Manchester, 1914)
Manchester Building and Loan Association (Manchester, 1887)
Maple Drug Company, The (Manchester, 1932)
Marchioness Shoe Company, Inc. (Concord, 1936)
Mariarden, Inc. (Peterborough, 1934)
Marlboro Press, Inc., The (Marlboro, 1935)
Massabesic Amusement Company (Manchester, 1931)
McArdle Drug Company (Concord, 1928)
McKinney, Inc., Frank L. (Nashua, 1933)
McLane Manufacturing Company (Milford, 1907)
Merrimack Fuel & Feed Company (Franklin, 1904)
Milton Factory Company, The (Milton, 1913)
Modern Realty Company (Concord, 1926)
Moody Supply Co., Inc., George A. (Malden, Mass., 1934)
Morrison, Incorporated, M. J. (Berlin, 1927)
Morse Upholstered Furniture Co. (Manchester, 1935)
Motor Service and Supply Company, Incorporated (Manchester, 1931)
Muller Wholesale Beverage Co. Inc. (Manchester, 1934)
Nardini Baking Company (Concord, 1927)
Nardini Company, G. (Concord, 1918)
Nashua Lunch System, Inc. (Nashua, 1930)
New Boston and Francestown Telephone Company, The (Francestown, 1911)
New England Cosmetic Corporation (Concord, 1933)
New England Machinery & Metal Company, Inc. (Keene, 1920)

New England Motorists, Inc. (Concord, 1936)
New Hampshire Mills (Manchester, 1928)
New Hampshire Real Estate Company (Concord, 1895)
New Hampshire Wholesale Beverage Company, Inc. (Manchester, 1933)
No-Od-Or-Stain Company (Manchester, 1933)
Nolin and Sons, Peter (Claremont, 1907)
North East Airways (Manchester, 1929)
Noyes Shoe Company, Inc. (Claremont, 1930)
Nutfield Insurance Agency Inc. (Derry, 1929)
Nutfield Shoe Company, Incorporated (Derry, 1934)
Nutting Company, Incorporated (Newport, 1927)
Olson Granite Corporation (Concord, 1933)
Pacific Mills Band (Dover, 1895)
Patterson Candy Company, Inc. (Nashua, 1933)
Pemigewasset Estates Inc. (Thornton, 1934)
Pine Beach Camp (Effingham, 1930)
Pine Tree Products Company (Newport, 1926)
Portsmouth Potato Chip Co., Incorporated, The (Portsmouth, 1933)
Post-Office Garage, Inc., The (Manchester, 1927)
Presidential Motors, Inc. (Berlin, 1933)
Proctor Bros. & Co. (Nashua, 1927)
Profile Beverages Company (Manchester, 1926)
Profit Maker Feeds, Inc. (Nashua, 1934)
Pure Ice Company (Concord, 1933)
Quality Farm Stores, Inc. (Manchester, 1935)
Reich Company, Inc., William S. (Nashua, 1933)
Rex Drug Company (Bethlehem, 1930)
Richardson and Langlois, Inc. (Lebanon, 1932)
Rockingham Laundry Inc. (Salem, 1935)
Ryan Express Lines, Inc. (Manchester, 1935)
S & H Apparel Shop, Inc. (Franklin, 1934)
Salem Shoe Company, Inc. (Salem, 1933)
Samara Bros. Inc. (Manchester, 1934)
Schurman Motor Co., Inc. (Lancaster, 1927)
Seavey Motor Sales, Incorporated (Kingston, 1930)
Seligman & Co., I. L. (Concord, 1933)
Shedd & Company, Inc., W. A. (Nashua, 1923)
Sleet-Eater Co., of America, Inc., The (Nashua, 1931)

Sons of Veterans Memorial Hall Association (Manchester, 1903)

Standard Wood Heel Company (Seabrook, 1932)

Stearns Shoe Mfg. Co. Inc. (Derry, 1935)

Stone Investment Company (Concord, 1926)

Sugar River Realty & Lumber Company (Charlestown, 1930)

Sullivan Motor Company, Inc. (Nashua, 1922)

Sunlight Baking Company, Inc. (Manchester, 1934)

Swanzy Feldspar Company, Inc. (Swanzy, 1932)

Tenney & Company, Charles H. (Boston, Mass., 1912)

Textile Saving Device Corporation (Nashua, 1935)

Thayer Shoe Company, N. B. (East Rochester, 1930)

Thomas Shoe Co., Incorporated, Earl W. (Henniker, 1933)

Trymoca, Incorporated (Center Strafford, 1934)

Union Stock Register Co. (Nashua, 1921)

United Automobile Wreckers, Inc. (Nashua, 1929)

Universal Chain Service Company, Inc. (Manchester, 1929)

Vagge Service Garage, Inc. (Nashua, 1931)

Village Associates, Incorporated, The (Berlin, 1933)

Walpole Camps, Inc. (Walpole, 1927)

Walpole Inn, Inc. (Walpole, 1933)

Walsh and Hoyt, Inc. (Manchester, 1931)

Western Auto Supply Company (Manchester, 1934)

Whitefield Manufacturing Company (Whitefield, 1891)

Wolfeboro Lumber Company (Wolfeboro, 1926)

Woodmont Orchards (Londonderry, 1921)

Woolcraft Clothing Company, Inc. (Newport, 1934)

Zorbas Fruit Company, E. (Portsmouth, 1934)

The principal place of business and date and year of incorporation, when given in the above list, are included for the purpose of distinguishing corporations of the same or similar names.

2. Remedies Preserved. No remedy against any such corporation, its stockholders or officers, for any liability previously incurred, shall be impaired hereby.

3. Reinstatement. Any such corporation may, within ninety days after the date that this act takes effect, reinstate itself as a corporation by the payment of any fees in arrears and the filing with the secretary of state of any annual returns required by law and a statement under oath, signed by the clerk or secretary of such corporation, that it desires that its

charter or certificate of incorporation shall remain in full force and effect.

4. Disposition of Property. Any corporation whose charter is hereby repealed, revoked and annulled, shall, nevertheless, continue as a body corporate for the term of three years from the date that this act takes effect, for the purpose of presenting and defending suits by or against it and of gradually closing and settling its concerns and distributing its assets, including the disposition and transfer of all or any part of its property and for no other purpose; provided that the superior court shall have power at any time when it shall be made to appear, upon the petition of any interested party, that the protection of proprietary or other rights requires the doing of any act or thing by or in behalf of any such corporation to order the doing of such acts or things, and for this purpose may appoint and authorize an agent to act for and in the name of such corporation and any action so ordered and done shall be effective corporate action.

5. Takes Effect. This act shall take effect upon its passage.

[Approved June 2, 1937.]

CHAPTER 298.

AN ACT RELATIVE TO FORFEITURE OF CHARTERS OF BUSINESS CORPORATIONS NOT PAYING FRANCHISE FEES TO THE SECRETARY OF STATE.

SECTION

1. Charters repealed.
2. Remedies preserved.
3. Disposition of property.

SECTION

4. Reinstatement.
5. Takes effect.

*Be it enacted by the Senate and House of Representatives in
General Court convened:*

1. Charters Repealed. That the charters of the following corporations be and hereby are repealed, revoked and annulled, for failure to pay franchise fees to the secretary of state on or before April 1, 1936 and April 1, 1937:

I. Private Corporations Organized by Special Legislative Acts:

Alton Aqueduct Company (Alton, 1830)

American and Holland Telegraph Company (1869)

American Telegraph Company (Nashua, 1859)
Amherst Turnpike Corporation (Amherst, 1812)
Amherst Water Company (Amherst, 1915)
Ammonoosuc Aqueduct Company (Bath, 1883)
Ammonoosuc Electric Light Company (Littleton, 1881)
Ammonoosuc River Transportation Company, The (Bath, 1836)
Ammonoosuc Telegraphic Company (Bath, 1878)
Amoskeag Bridge, Proprietors of (Goffstown, 1792)
Amoskeag Canal, Proprietors of (Manchester, 1815)
Amoskeag Falls Bridge (Manchester, 1839)
Andover Turnpike Corporation (Andover, 1812)
Androscoggin Bridge, The Proprietors of the (Errol, 1803)
Apthorp Reservoir Company (Littleton, 1879)
Ashland Water Works Company, The (Ashland, 1893)
Ashley Ferry on Connecticut River (Claremont, 1784)
Ashuelot Dam Company (Gilsum, 1836)
Ashuelot Turnpike Corporation (1807)
Ashuelot Valley Electric Light, Heat and Power Company, The (Winchester, 1891)
Baldwin Bridge Company (Stratford, 1850)
Bartlett Bridge, Proprietors of the (Bartlett, 1816)
Bartlett, Lower, and Intervale Water Company (Bartlett, 1915)
Bartlett Water Company, The (Bartlett, 1893)
Bath Turnpike Corporation in New Hampshire, The (Bath, 1804)
Bedels Bridge, Proprietors of (Haverhill, 1802)
Belknap Aqueduct (Dover, 1851)
Belknap Bridge (New Chester, 1801)
Belmont Aqueduct Company, The (Belmont, 1893)
Berlin Aqueduct Company (Berlin, 1889)
Berlin Electric Light Company (Berlin, 1887)
Berlin Water Company (Berlin, 1887)
Berlin Water Supply Company (Berlin, 1901)
Bible Hill Aqueduct Company (Claremont, 1872)
Boscawen Aqueduct Corporation (Boscawen, 1827)
Boscawen Bridge, Proprietors of (Boscawen, 1802)
Boscawen and Penacook Water-Works Company (Boscawen, 1889)
Boscawen Union Bridge, Proprietors of (Boscawen, 1812)

Bow Canal, The Proprietors of the (Bow, 1808)
Bow Republican Bridge, Proprietors of (Bow, 1804)
Branch Road and Bridge, Proprietors of the (Fitzwilliam, 1802)
Bridgewater & New Hampton Bridge, Proprietors of (Bridge-water, 1795)
Canterbury Bridge, Proprietors of (Canterbury, 1803)
Carroll Steamboat Company (1877)
Cascade Electric Light and Power Company, The (Berlin, 1893)
Central Bridge, The Proprietors of (New Hampton, 1812)
Central Bridge in Conway, Proprietors of the (Conway, 1808)
Charlestown Bridge, Proprietors of (Charlestown, 1828)
Charlestown Street Aqueduct, The Proprietors of the (Charlestown, 1823)
Charlestown Turnpike Corporation, The (Charlestown, 1803)
Charlestown Water and Sewer Company (Charlestown, 1905)
Cheshire Turnpike Corporation, The Proprietors of the (Charlestown, 1804)
Chester and Derry Telegraph Company (Chester, 1877)
Chester Turnpike Corporation (Chester, 1804)
Chesterfield Bridge Company (Chesterfield, 1838)
Chesterfield Turnpike Road in New Hampshire, Proprietors of the (Chesterfield, 1804)
City Aqueduct (Manchester, 1865)
Claremont Aqueduct Association (Claremont, 1828)
Claremont Bridge, Proprietors of (Claremont, 1820)
Claremont Water-Works Company (Claremont, 1887)
Cocheco Aqueduct Association (Dover, 1832)
Cockburne and Lemington Bridge, Proprietors of the (1805)
Cohas Brook Canal Corporation (1816)
Cold Spring Aqueduct Corporation (Claremont, 1835)
Colebrook Bridge, The Proprietors of (Colebrook, 1831)
Columbia Bridge, Proprietors of (1828)
Columbia Union Bridge Corporation (Columbia, 1831)
Company of Northumberland Bridge (Northumberland, 1795)
Concord Aqueduct Association (Concord, 1829)
Concord Bridge, Proprietors of (Concord, 1795)
Concord and Hillsborough Telegraph Company (Concord, 1864)
Concord Water Power Company (Concord, 1885)

Concord and White Mountains Telegraph Company (Concord, 1854)
Connecticut River Canal Company (1828)
Connecticut Valley Water Company (West Lebanon, 1891)
Connecticut Water-Power and Lumber Company of Dalton, New Hampshire (Dalton, 1881)
Consolidated Light and Power Company (1889)
Contoocook Canal, Proprietors of (1804)
Contoocook Water-Works Company (Contoocook, 1895)
Conway and Eaton Canal, Proprietors of (Conway, 1824)
Conway Electric Light and Power Company, The (Conway, 1909)
Conway Electric Light, Power and Heat Company, The (Conway, 1897)
Cooper's Rock Bridge Company (Hinsdale, 1849)
Coos and Essex Water Company (Stratford, 1899)
Coos Turnpike Corporation (1805)
Coos Turnpike Road in New Hampshire (1837)
Cornish Turnpike Corporation (1808)
Coventry Turnpike Corporation (1803)
Croydon Turnpike Corporation (1804)
Crystal Springs Water Company (Bethlehem, 1878)
Cushman Bridge Company (Dalton, 1850)
Dalton Bridge, Proprietors of (Dalton, 1818)
Derry Electric Light Company (Derry, 1891)
Derry Gas, Heating and Lighting Company (Derry, 1911)
Derry Water-Works Company (Derry, 1889)
Dodges Falls Canal Company (Bath, 1831)
Dover Aqueduct, Proprietors of the (Dover, 1823)
Dover Landing Aqueduct Company (Dover, 1824)
Dover Turnpike Road in New Hampshire, Proprietors of the (1803)
Durham Water-Works Company (Durham, 1901)
East Conway Water Company (East Conway, 1901)
Eastern Telegraph Company (1881)
Elliot Bridge Company (Rollinsford, 1878)
Epping Water Company (Epping, 1899)
Errol Steamboat Company (Errol, 1864)
Ewen Bridge Company (Dalton, 1853)
Exeter Aqueduct, The Proprietors of the (Exeter, 1801)
Exeter Aqueduct, No. Two, The Proprietors of the (1808)

Exeter Electric Light and Power Company (Exeter, 1887)
Farmington Aqueduct Company (Farmington, 1871)
Farmington Gas and Electric Light and Power Co. (Farmington, 1889)
Favour's Bridge, Proprietors of (New Chester, 1797)
Federal Bridge, Proprietors of (Concord, 1795)
Fifth New Hampshire Turnpike Road, Proprietors of the (1802)
Fisherville Bridge (Boscawen, 1848)
Fitzwilliam Village Turnpike Corporation (Fitzwilliam, 1808)
Fourth Turnpike Road in New Hampshire, Proprietors of the (1800)
Francestown Water Company, The (Francestown, 1893)
Franconia Telephone Company (Franconia, 1889)
Franconia Turnpike Corporation (Franconia, 1828)
Franconia and White Mountain Notches Turnpike Company (Bethlehem, 1870)
Franklin Aqueduct Company (Franklin, 1836)
Franklin Gas and Electric Light Company (Franklin, 1887)
Franklin Water Company (Franklin, 1887)
Gilbert's Bridge Company (1838)
Goffs Falls Bridge, Proprietors of (Goffs Falls, 1836)
Goffs Ferry Bridge, Proprietors of (Bedford, 1808)
Gorham Aqueduct Company (Gorham, 1866)
Grafton Canal Company (Grafton, 1824)
Granite Bridge, Proprietors of (Manchester, 1839)
Granite State Telephone Company of New Hampshire (1891)
Great Falls Gas Light Company (Somersworth, 1850)
Great Ossipee Canal Company (Effingham, 1807)
Great Ossipee Turnpike Incorporation, The Proprietors of the (Ossipee, 1804)
Great Sunapee Turnpike Corporation (1809)
Hampton Canal, Proprietors of (Hampton, 1824)
Hampton Causeway Turnpike Corporation (Hampton, 1808)
Hancock Turnpike Corporation in New Hampshire, Proprietors of the (Hancock, 1805)
Hanover Aqueduct, The Proprietors of the (Hanover, 1805)
Hanover Gas-Light Company (Hanover, 1860)
Hart Island Bridge, The Proprietors of (Plainfield, 1818)
Haverhill Aqueduct Corporation (Haverhill, 1820)
Haverhill Bridge, Proprietors of (Hanover, 1795)

- Haverhill Water Company (Haverhill, 1895)
Hillsborough and Strafford Locks and Canals, Proprietors of the (1812)
Hillsborough Turnpike Corporation, The (1804)
Hinsdale Bridge and The Sixth New Hampshire Turnpike Corporation (Hinsdale, 1802)
Holderness Bridge, Proprietors of (Holderness, 1797)
Hooksett Falls Bridge (Hooksett Falls, 1842)
International Telegraph Company (1866)
Interstate Gas and Electric Company (Dover, 1850)
Jefferson Turnpike Incorporation (Jefferson, 1804)
John's River Canal Company (Whitefield, 1836)
Kineo Electric Company (Plymouth, 1919)
Laconia Electric Lighting Company (Laconia, 1897)
Laconia Gas Light Company (Laconia, 1860)
Laconia Light and Power Company (Laconia, 1905)
Laconia Water Works (Laconia, 1872)
Lancaster Aqueduct Company (Lancaster, 1866)
Lancaster Corner Aqueduct Company (Lancaster, 1827)
Lancaster Street Aqueduct Company (Lancaster, 1823)
Lancaster Water Company (1891)
Lebanon Aqueduct Company (Lebanon, 1850)
Lime Bridge Company, Proprietors of the (Lyme, 1809)
Lisbon Water Works Company (Lisbon, 1887)
Litchfield (Lytechfield) Bridge, Proprietors of the (Litchfield, 1795)
Litchfield and Merrimack Bridge, The Proprietors of (Litchfield, 1803)
Litchfield Turnpike Corporation, The (Litchfield, 1808)
Little Pigwacket Canal, Proprietors of (Eaton, 1819)
Littleton Turnpike Corporation in New Hampshire, The Proprietors of the (Littleton, 1804)
Littleton Water and Electric Light Company, The (Littleton, 1887)
Lock at Cromwells Falls, Proprietors of the (1812)
Locks and Canals at Dodge's Falls, Proprietors of the (Bath, 1816)
London Derry Branch Turnpike Corporation, Proprietors of (Londonderry, 1812)
Londonderry Turnpike Incorporation (Londonderry, 1804)
Lyman's Bridge Company (Lebanon, 1836)

Manchester Aqueduct (Manchester, 1852)
Manchester Aqueduct Company (Manchester, 1845)
Manchester Electric Light Company (Manchester, 1881)
Manchester and Hooksett Steamboat Company (Manchester, 1889)
Marlborough Water-Works Company (Marlborough, 1917)
Mascoma Electric Light and Gas Company (1891)
Mascot Water and Electric Supply Company, The (Gorham, 1893)
Massabesic Canal Company (1833)
Mayhew Turnpike Corporation (1803)
Meredith Bridge and Lake Village Gas Light Company (Meredith, 1853)
Merrimack Electric Light, Heat, and Power Company of Hooksett, N. H. (Hooksett, 1891)
Merrimack Locks and Canal, Proprietors of the (1827)
Merrimack River Heat, Light and Power Company (Franklin, 1897)
Merrimack River Transportation Company (1836)
Merrimack Water Power Company (Manchester, 1857)
Milford Canal, Proprietors of the (Milford, 1803)
Milford Gas Light Company (Milford, 1859)
Milford Turnpike Corporation in New Hampshire, Proprietors of the (1815)
Milford Water-Works (Milford, 1887)
Milton Water-Works Company (Milton, 1901)
Monadnoc Turnpike Corporation in New Hampshire, The Proprietors of the (1805)
Moors Bridge, Proprietors of (Moores Ferry, 1819)
Mount Hayes Turnpike Company (1866)
Mount Washington Telegraph Company (1861)
Mount Washington Turnpike Company (1867)
Mount Washington Turnpike Road, Proprietors of (1838)
Mount Willard Turnpike Road Company, The (1869)
Nashua Aqueduct (Nashua, 1851)
Nashua Aqueduct Company (Nashua, 1826)
Nashua Light, Heat and Power Company (Nashua, 1850)
Nashua and Nashville Steam and Water Power Company (Nashua, 1847)
New Castle Bridge, Proprietors of (New Castle, 1800)

- New Chester and Danbury Turnpike Corporation (New Chester, 1808)
- New England Telegraph Company (Rochester, 1872)
- New Hampshire Bridge (Newington, 1833)
- New Hampshire Canal and Steam-Boat Company (1827)
- New Hampshire Telegraph Company (1876)
- New Hampshire Turnpike Road, Proprietors of the (1796)
- New Hampshire and Vermont Bridge Company, Proprietors of the (Chesterfield, 1817)
- New Hampshire Water Supply Company, The (1913)
- Newfields Electric Light, Heat and Power Company (Newfields, 1897)
- Newfound Lake Steamboat Co. (1891)
- Newmarket Aqueduct Company (Newmarket, 1834)
- Newmarket Electric Light, Power and Heat Company (Newmarket, 1891)
- New Market Gas-Light Company (Newmarket, 1859)
- Newmarket Water Works, The (Newmarket, 1893)
- Newport Turnpike Corporation (Newport, 1805)
- Newport Water-Works Company (Newport, 1887)
- North Conway Aqueduct and Water Company (North Conway, 1877)
- North Conway Water and Improvement Company (North Conway, 1891)
- North Haverhill Electric, Water and Power Company (North Haverhill, 1917)
- North Littleton Bridge and Ferry Company, The (North Littleton, 1868)
- North Shore Water Company (North Hampton & Rye, 1901)
- North Stratford Water-Works Company (North Stratford, 1891)
- North Woodstock Water Company (North Woodstock, 1897)
- Northbury Bridge, Proprietors of (Northfield, 1795)
- Northern Haverhill Turnpike Corporation (1808)
- Northern Telegraph Company (1866)
- Northumberland Water Company, The (Northumberland, 1893)
- Northwood Aqueduct Company (Northwood, 1891)
- Nottingham West Bridge, Proprietors of (West Nottingham, 1797)
- Ompompanoosuc Bridge, Proprietors of (1831)

Orford Bridge, Proprietors of (Orford, 1794)
Orford Turnpike Corporation, The Proprietors of the (Orford, 1803)
Oxbow and Horse Meadow Bridge, Proprietors of the (Haverhill, 1809)
Paul Stream Bridge Company (Stratford, 1854)
Peeling Bridge, Proprietors of the (Woodstock, 1807)
Pemigawasset Bridge, Proprietors of the (1806)
Pemigewasset Bridge Company (New Hampton, 1870)
Pemiggewasset Canal, The Proprietors of the (1804)
Pemigewasset Turnpike Corporation (1820)
Pemisewasset Middle Branch Turnpike Corporation (1809)
Penacook Water Works (Concord, 1855)
People's Aqueduct Company (Portsmouth, 1865)
People's Light and Power Company (1893)
Pequawkett Bridge in Conway (Conway, 1828)
Peterborough Electric Light, Power and Heat Company (Peterborough, 1893)
Peterborough Reservoir Company (Peterborough, 1866)
Peterborough Water-Works Company (Peterborough, 1891)
Piermont Bridge, Proprietors of (Piermont, 1825)
Piermont Bridge Corporation, The (Piermont, 1808)
Piermont Turnpike Branch (Piermont, 1805)
Pinkham Turnpike Road, Proprietors of (1834)
Pioneer Electric Company, The (Wakefield, 1913)
Piscataqua Aqueduct (Portsmouth, 1846)
Piscataqua Bridge, Proprietors of (1793)
Piscataqua Ferry Company (Dover, 1855)
Piscataqua Steam Boat Company (1827)
Piscataquog Canal, Proprietors of the (1806)
Piscataquog Lock and Canal, The Proprietors of the (1822)
Piscataquog Reservoir Company, The (1869)
Pittsfield Light & Power Company (Pittsfield, 1903)
Pittsfield-Turnpike-Corporation (Pittsfield, 1806)
Plainfield Bridge, Proprietors of the (Plainfield, 1807)
Plainfield Water Supply Company (Plainfield, 1913)
Pleasant Spring Aqueduct Company (Lancaster, 1830)
Plymouth Aqueduct and Water Company (Plymouth, 1881)
Pont Fayette, The Proprietors of (Holderness, 1824)
Portsmouth Aqueduct, The Proprietors of the (Portsmouth, 1797)

Portsmouth Bridge, The Proprietors of (Portsmouth, 1819)
Portsmouth Electric Light Company (Portsmouth, 1881)
Portsmouth Gas, Electric Light and Power Company, The
(Portsmouth, 1850)
Portsmouth & Kittery Steam Ferry Company (Portsmouth,
1883)
Portsmouth and Manchester Telegraph, The (Portsmouth,
1866)
Portsmouth and New York Steamboat Company (Portsmouth,
1863)
Portsmouth Water Company (Portsmouth, 1887)
Raymond Electric Company (Raymond, 1909)
Raymond Water-Works Company (Raymond, 1893)
Republican Bridge, Proprietors of the (1800)
Richmond Turnpike Road in New Hampshire, Proprietors of
the (Richmond, 1804)
Rindge Turnpike Road in New Hampshire, Proprietors of the
(Rindge, 1807)
Rochester Gas Light Company (Rochester, 1863)
Rochester Water Company (Rochester, 1877)
Saco and Swift River Turnpike Company (1873)
Salem Water Supply Company (Salem, 1911)
Salem Water-Works Company, The (Salem, 1891)
Sanborn Turnpike Company (Northfield, 1872)
Sanbornton Turnpike Corporation, Proprietors of the (San-
bornton, 1808)
Sandwich Turnpike Incorporation (Sandwich, 1804)
Sandy Lake Water Company (Nashua, 1873)
Sawyer River Railroad (Hart's Location, 1875)
Second Bridge in Littleton, Proprietors of the (Littleton,
1820)
Seventh Turnpike Road in New Hampshire, Proprietors of the
(1802)
Sewalls Falls Bridge, Proprietors of (1833)
Sewall's Falls Locks and Canals, Proprietors of the (1833)
Sewall's Falls Transmitting Power Company (Concord, 1871)
Shelburne Androscoggin Bridge Association (Shelburne, 1832)
Silver Lake Reservoir Company (Warner, 1897)
Six-Mile Stream Canal (1823)
Somersworth and Rollinsford Water Company (Somersworth,
1887)

South Newmarket Water Works Company, The (South Newmarket, 1893)

South Westmoreland Bridge Company (South Westmoreland, 1853)

Southern New Hampshire Development and Power Company (Epping, 1911)

Squamscot Aqueduct (Exeter, 1862)

Stevens Bridge, Proprietors of (Lyman, 1812)

Stevens Village Bridge Company (Lyman, 1846)

Stewarts Town Bridge, Proprietors of (Stewartstown, 1817)

Stoddard Turnpike Corporation in New Hampshire, The Proprietors of the (Stoddard, 1804)

Stratford Hollow Bridge Company (Stratford, 1874)

Stratham and New-Market Bridge, Proprietors of (Stratham, 1807)

Sunapee Lake Steamboat Company (Sunapee, 1877)

Sunapee Turnpike Corporation, The (Sunapee, 1804)

Suncook Water-Works Company (Suncook, 1891)

Swift-River Sluice Way Company (1838)

Taylor's Falls Bridge, Proprietors of (Dunstable, 1826)

Tenth Turnpike Road in New Hampshire, Proprietors of (Bartlett, 1803)

Terrace Aqueduct Company (Claremont, 1837)

Third Turnpike Road in New Hampshire, Proprietors of the (1799)

Thornton Bridge Company, The (Litchfield and Merrimack, 1876)

Torrent Aqueduct Association (Concord, 1849)

Torrent Aqueduct Company, The (Haverhill, 1869)

Troy Village Aqueduct, Proprietors of the (Troy, 1825)

Troy Water and Improvement Company (Troy, 1899)

Union Aqueduct (Portsmouth, 1821)

Union Aqueduct (Oil-Mill Village) (Weare & New Boston, 1870)

Union Bridge Company (Dalton, 1870)

Union Bridge in Holderness, Proprietors of (Holderness, 1829)

Union Gas Light Company of New Hampshire (Concord, 1865)

Union Locks and Canal, Proprietors of the (1808)

Union Turnpike Road in New Hampshire, Proprietors of the (1804)

Union Village Water-Works Company (Wakefield, 1917)
Upper Connecticut River Steamboat Company (1867)
Upper Coos and Essex Water Company (Stewartstown, 1905)
Upper Coos Turnpike Company (Franconia and Bethlehem,
1820)
Walpole Electric Light and Power Company (Walpole, 1899)
Walpole and Westminster Bridge Company (Walpole, 1807)
Warner Aqueduct Company (Warner, 1875)
Warren Water & Light Company (Warren, 1903)
Waterquechee Falls Canal, Proprietors of (1796)
Weirs Water-works Company, The (Weirs, 1887)
Westmoreland Turnpike Corporation, The Proprietors of the
(Westmoreland, 1804)
White Mountain Telephone Company (Conway, 1887)
White-river-falls-bridge, The Proprietors of (1795)
Whitefield Aqueduct Company (Whitefield, 1891)
Whitefield Electric Light Company (Whitefield, 1897)
Wilton Aqueduct Company (Wilton, 1870)
Wilton Gas-Light Company, The (Wilton, 1868)
Winnepisiogee & Merrimac Canal, The Proprietors of the
(1796)
Winnepissiokee Bridge, Proprietors of the (Gilmanton, 1806)
Winnepesaukee Gas and Electric Light Company (Laconia &
Gilford, 1887)
Winnipiseogee, Squam, and Pemigewasset Locks and Canals,
The Proprietors of the (Plymouth & Holderness, 1819)
Winnipiseogee Turnpike Corporation, The (1808)
Winnipiseogee and White Mountain Turnpike (1853)
Winnipisiogee River Canal, Proprietors of (1812)
Winnipisseogee Lake Steam Boat Company (1823)
Winnepissiokee Canal, The Proprietors of (1811)
Wolfeboro Aqueduct and Water Company (Wolfeboro, 1887)
Wolfeboro Junction Water Company (Wolfeboro, 1893)
Woodstock and Lincoln Turnpike Company (Woodstock, 1885)
Worcester and Nashua Telegraph Company (1855)

II. Corporation Organized under General Acts of the
Legislature before March 28, 1919:

Fairlee & Wentworth Telephone Co. (Orford, 1905)

The principal place of business and date of year of original
organization, when given in the above paragraphs I and II, are
included for the purpose of distinguishing corporations of the

same or similar names. The objects for which said corporations were organized are such as require payment of franchise fees to the secretary of state as well as returns to the public service commission or to the secretary of state.

2. Remedies Preserved. No remedy against any such corporation, its stockholders or officers, for any liability previously incurred, shall be impaired hereby.

3. Disposition of Property. Any corporation whose charter is hereby repealed, revoked and annulled, shall, nevertheless, continue as a body corporate for the term of three years from the date that this act takes effect, for the purpose of presenting and defending suits by or against it and of gradually closing and settling its concerns and distributing its assets, including the disposition and transfer of all or any part of its property and for no other purpose; provided that the superior court shall have power at any time when it shall be made to appear, upon the petition of any interested party, that the protection of proprietary or other rights requires the doing of any act or thing by or in behalf of any such corporation, to order the doing of such acts or things, and for this purpose may appoint and authorize an agent to act for and in the name of such corporation and any action so ordered and done shall be effective corporate action.

4. Reinstatement. Any such corporation may, within ninety days after the date that this act takes effect, reinstate itself as a corporation by the payment of any fees in arrears and filing such other statements under oath as are required by the attorney-general or assistant attorney-general.

5. Takes Effect. This act shall take effect upon its passage.

[Approved June 2, 1937.]

CHAPTER 299.

AN ACT RELATIVE TO THE ISSUE OF NOTES BY THE COUNTY OF MERRIMACK.

SECTION

1. Issue authorized.

SECTION

2. Takes effect.

Be it enacted by the Senate and House of Representatives in General Court convened:

1. Issue Authorized. The county commissioners of the county of Merrimack are hereby empowered and authorized to issue for and in behalf of said county, from time to time during the calendar years 1937 and 1938, short-time notes not exceeding in amount the sum of ninety-five thousand dollars (\$95,000) for the purpose of refunding outstanding indebtedness of said county. Said short-time notes issued hereunder may be refunded by other short-time notes during said period at and for such times as the county commissioners may determine. From the proceeds of said notes the treasurer of said county shall pay such notes as are outstanding or indebtedness outstanding so far as the county commissioners shall determine. The time and place of payment of said short-time notes, their denominations, the rate and times of interest payments thereon, their form, the manner of their sale and the prices at which they shall be sold shall be approved by the county commissioners.

2. Takes Effect. This act shall take effect upon its passage.

[Approved June 9, 1937.]

CHAPTER 300.

AN ACT LEGALIZING CERTAIN TOWN MEETINGS HELD IN THE TOWN OF BOSCAWEN.

SECTION

1. Proceedings legalized.

SECTION

2. Takes effect.

Be it enacted by the Senate and House of Representatives in General Court convened:

1. Proceedings Legalized. The votes and proceedings of the annual town meetings held in the town of Boscawen in the

month of March in the years from 1925 to 1937, inclusive, are hereby legalized, ratified and confirmed.

2. Takes Effect. This act shall take effect upon its passage.

[Approved June 10, 1937.]

CHAPTER 301.

AN ACT AUTHORIZING THE TOWN OF WEARE TO ISSUE REFUNDING NOTES OR BONDS.

SECTION

1. Authorization.
2. Terms.

SECTION

3. Application of general laws.
4. Takes effect.

Be it enacted by the Senate and House of Representatives in General Court convened:

1. Authorization. The town of Weare is hereby authorized to issue its serial notes or bonds to an amount not exceeding twenty-seven thousand dollars (\$27,000) for the purpose of refunding outstanding indebtedness of a like amount. Said serial notes or bonds shall be signed by the selectmen and countersigned by the treasurer.

2. Terms. Said issue of serial notes or bonds shall be due and payable at such times, not more than twenty years from their date of issue, and in such amounts, and in such manner as the board of selectmen and treasurer of said town may determine, at a rate of interest to be fixed by said board.

3. Application of General Laws. Except as otherwise provided in this act, the provisions of chapter 59 of the Public Laws shall apply to the serial notes or bonds herein authorized.

4. Takes Effect. This act shall take effect upon its passage.

[Approved June 10, 1937.]

CHAPTER 302.

AN ACT AUTHORIZING THE TOWN OF EFFINGHAM TO ISSUE REFUNDING NOTES OR BONDS.

SECTION

1. Authorization.
2. Terms.
3. Proceedings legalized.

SECTION

4. Application of general laws.
5. Takes effect.

Be it enacted by the Senate and House of Representatives in General Court convened:

1. Authorization. The town of Effingham is hereby authorized to issue its serial notes or bonds to an amount not exceeding twelve thousand dollars (\$12,000) for the purpose of refunding outstanding indebtedness. Said serial notes or bonds shall be signed by the selectmen and countersigned by the treasurer.

2. Terms. Said issue of serial notes or bonds shall be due and payable at such times, not more than twenty years from their date of issue, and in such amounts, and in such manner as the board of selectmen and treasurer of said town may determine at a rate of interest to be fixed by said board.

3. Proceedings Legalized. The proceedings of the annual town meeting held in said Effingham on March 9, 1937, so far as they relate to the appropriations for the purposes set forth in section 1, and the issuance of notes and bonds in pursuance thereof, are hereby legalized, ratified and confirmed and made as effective as if such proceedings were taken after the passage of this act.

4. Application of General Laws. Except as otherwise provided in this act, the provisions of chapter 59 of the Public Laws shall apply to the serial notes or bonds herein authorized.

5. Takes Effect. This act shall take effect upon its passage.

[Approved June 17, 1937.]

CHAPTER 303.

AN ACT AUTHORIZING THE COUNTY OF COOS TO REIMBURSE THE TOWN OF STEWARTSTOWN FOR AN EXCESS IN COUNTY TAXES.

SECTION

1. Reimbursement.

SECTION

2. Takes effect.

*Be it enacted by the Senate and House of Representatives in
General Court convened:*

1. Reimbursement. The county convention of Coos county is hereby authorized and directed to raise and appropriate the sum of two thousand, three hundred, eighty-six dollars and seventy-eight cents (\$2,386.78) to reimburse the town of Stewartstown for an excess in the amount of county taxes paid by said town during the years 1929 to 1936, on account of the decision of the supreme court of the United States relative to the Vermont boundary.

2. Takes Effect. This act shall take effect upon its passage.

[Approved June 17, 1937.]

CHAPTER 304.

AN ACT RELATIVE TO AN AUTHORIZED BOND ISSUE BY THE TOWN OF STRAFFORD.

SECTION

1. Strafford bond issue.

SECTION

2. Takes effect.

*Be it enacted by the Senate and House of Representatives in
General Court convened:*

1. Amendment. The act entitled "An Act authorizing the town of Strafford to issue refunding notes or bonds" approved March 25, 1937,* is hereby amended by inserting after section 3 the following new section: 3-a. **Proceedings Legalized.** The proceedings of the annual town meeting held in said Strafford on March 9, 1937, so far as they relate to the appropriations for the purposes set forth in section 1 and the issuance of notes or bonds in pursuance thereof, are hereby legalized, ratified and confirmed and made as effective as if such proceedings were taken after the passage of this act.

* Chapter 273, *ante*.

2. Takes Effect. This act shall take effect upon its passage.

[Approved June 29, 1937.]

CHAPTER 305.

AN ACT RELATING TO THE JOHN M. HUNT HOME.

SECTION

1. Property holding.

SECTION

2. Takes effect.

Be it enacted by the Senate and House of Representatives in General Court convened:

1. Property Holding. Section 2 of chapter 187 of the Laws of 1895 entitled "An Act to incorporate the John M. Hunt Home" as amended by chapter 243 of the Laws of 1921 is hereby amended by striking out the word "eight" in the fifth line of said section and substituting in place thereof the word fifteen, so that said section as amended shall read as follows: **Sect. 2.** Said corporation is hereby authorized to establish and maintain in the city of Nashua an institution for the support and maintenance of aged couples and aged men, and for that purpose may take and hold real and personal estate, by donation, bequest, or otherwise, not exceeding fifteen hundred thousand dollars, and may convey or dispose of the same at pleasure; and may erect and maintain buildings and appurtenances as may be deemed necessary for the purposes of the corporation and the carrying out the terms of donations and bequests.

2. Takes Effect. This act shall take effect upon its passage.

[Approved June 29, 1937.]

CHAPTER 306.

AN ACT RELATING TO THE MARY E. HUNT HOME FOR AGED WOMEN.

SECTION

1. Property holding.

SECTION

2. Takes effect.

Be it enacted by the Senate and House of Representatives in General Court convened:

1. Property Holding. Section 2 of chapter 244 of the Laws of 1921 entitled "An Act to incorporate the Mary E. Hunt Home for Aged Women" is hereby amended by striking out the word "eight" in the seventh line of said section and substituting in place thereof the word fifteen, so that said section as amended shall read as follows: **Sect. 2.** Said corporation is hereby authorized to establish and maintain in the city of Nashua an institution for the support, care and maintenance of aged and destitute women who are believers in the Protestant religion and residents of the State of New Hampshire, and for that purpose may take, acquire and hold real and personal estate by lease, purchase, donation, bequest or otherwise, to an amount not exceeding fifteen hundred thousand dollars, and may convey or dispose of the same at pleasure; and may erect and maintain such buildings and appurtenances as may be deemed necessary for the purposes of the corporation and the carrying out of the terms of donations and bequests.

2. Takes Effect. This act shall take effect upon its passage.

[Approved June 29, 1937.]

CHAPTER 307.

AN ACT AUTHORIZING THE TOWN OF UNITY TO ISSUE REFUNDING NOTES OR BONDS.

SECTION

1. Authorization.

2. Terms.

3. Proceedings legalized.

SECTION

4. Application of general laws.

5. Takes effect.

Be it enacted by the Senate and House of Representatives in General Court convened:

1. Authorization. The town of Unity is hereby authorized to issue its serial notes or bonds to an amount not exceeding

four thousand dollars (\$4,000) for the purpose of refunding outstanding indebtedness. Said serial notes or bonds shall be signed by the selectmen and countersigned by the treasurer.

2. **Terms.** Said issue of serial notes or bonds shall be due and payable at such times, not more than twenty years from their date of issue, and in such amounts, and in such manner as the board of selectmen and treasurer of said town may determine at a rate of interest to be fixed by said board.

3. **Proceedings Legalized.** The proceedings of the annual town meeting held in said Unity on March 9, 1937, so far as they relate to the appropriations for the purposes set forth in section 1, and the issuance of notes and bonds in pursuance thereof, are hereby legalized, ratified and confirmed and made as effective as if such proceedings were taken after the passage of this act.

4. **Application of General Laws.** Except as otherwise provided in this act, the provisions of chapter 59 of the Public Laws shall apply to the serial notes or bonds herein authorized.

5. **Takes Effect.** This act shall take effect upon its passage.

[Approved June 29, 1937.]

CHAPTER 308.

AN ACT RELATIVE TO THE POWERS OF THE NEW HAMPSHIRE FIRE INSURANCE COMPANY.

SECTION

1. Authority granted.

SECTION

2. Takes effect.

Be it enacted by the Senate and House of Representatives in General Court convened:

1. **Authority Granted.** Amend section 1 of chapter 97 of the Laws of 1869, as amended by chapter 234 of the Laws of 1909, chapter 259 of the Laws of 1915, chapter 281 of the Laws of 1917, chapter 280 of the Laws of 1925, and chapter 297 of the Laws of 1931, by inserting after the word "commotion" in the thirteenth line the words, also against risks of impact by aircraft or vehicles, so that said section as amended shall read as follows: **Section 1.** That Ezekiel A. Straw, James A. Weston, Samuel N. Bell, Albert H. Daniels, Samuel Upton, George B. Chandler, Clinton W. Stanley, David Gillis,

John S. Harvey, Woodbury F. Prescott, William D. Knapp, Moses R. Emerson, John F. Chase, and their associates, successors and assigns be and they hereby are incorporated and made a body politic by the name of the New Hampshire Fire Insurance Company, to be located at Manchester, in said state, with authority to have and exercise all the powers and privileges incident to corporations of a similar nature, for the purpose of making and effecting insurance against loss by fire, tornado, hail, lightning, earthquake, explosion, and sprinkler leakage; also against the risks of bombardment, riot, strikes and civil commotion; also against risks of impact by aircraft or vehicles; also from theft or other casualty in connection with the use of registered mail; also on vessels, cars, or other vehicles, freight, goods, effects and money loaned on bottomry or respondentia, against loss or damage resulting from the perils of the sea and other perils usually insured against by marine insurance or from the risks and hazards of inland navigation and transportation; and also insurance on motor vehicles, their fittings and contents and use and occupancy, against loss or damage resulting from accident, theft, collision or other casualty, and against liability of the owner or user thereof for injury or damage to property caused thereby.

2. Takes Effect. This act shall take effect upon its passage.

[Approved June 29, 1937.]

CHAPTER 309.

AN ACT RELATING TO THE POWERS OF THE PUBLIC SERVICE COMPANY OF NEW HAMPSHIRE.

SECTION

1. Power to exercise franchise of
Manchester Street Railway.

SECTION

2. Takes effect.

Be it enacted by the Senate and House of Representatives in General Court convened:

1. Power to Exercise Franchise of Manchester Street Railway. Public Service Company of New Hampshire, a corporation organized under the laws of this state, is hereby authorized by suitable amendment of its record of organization to include among its corporate purposes the construction and main-

tenance of street railways and, subject to the approval of the public service commission, to exercise the franchises and rights now owned by Manchester Street Railway; provided, however, that said Public Service Company of New Hampshire shall not engage in the business of operating a street railway in any city or town not now served by said Manchester Street Railway.

2. Takes Effect. This act shall take effect upon its passage.

[Approved June 29, 1937.]

CHAPTER 310.

AN ACT RELATIVE TO THE WOODSVILLE FIRE DISTRICT.

SECTION

1. Change in amount authorized.

SECTION

2. Takes effect.

Be it enacted by the Senate and House of Representatives in General Court convened:

1. Change in Amount Authorized. Amend section 1 of an act approved May 11, 1937*, relative to the authorization of the Woodsville Fire District to issue notes or bonds for the purpose of erecting a community house, by striking out the words and figures "forty-five thousand dollars (\$45,000)" and inserting in place thereof the words and figures fifty-eight thousand dollars (\$58,000), so that said section as amended shall read as follows: **1. Authorization.** The Woodsville Fire District is hereby authorized to issue its serial notes or bonds to an amount not exceeding fifty-eight thousand dollars (\$58,000) for the purpose of erecting a community house. Said serial notes or bonds shall be signed by the commissioners of said district, or a majority thereof, and countersigned by the treasurer of said district.

2. Takes Effect. This act shall take effect upon its passage.

[Approved July 7, 1937.]

* Chapter 291, *ante*

CHAPTER 311.

AN ACT TO INCORPORATE THE JOHN CROWTHER FOUNDATION.

SECTION

1. John Crowther Foundation.
2. Purposes.
3. Powers.
4. Board of trustees.

SECTION

5. Conveyance of property.
6. First meeting.
7. Takes effect.

Be it enacted by the Senate and House of Representatives in General Court convened:

1. John Crowther Foundation. That Samuel Crowther, Mary Owens Crowther, Mary E. Ramsay and the selectmen of the town of Sunapee in the county of Sullivan in the state of New Hampshire, to wit, Leo L. Osborne, Maurice G. Chase and John L. Paul, their associates and successors, be and hereby are made a corporation by the name of the John Crowther Foundation, and shall be and hereby are vested with all the rights and privileges and subject to all the liabilities incident to corporations of an educational or charitable nature.

2. Purposes. The purpose of said corporation shall be to administer a fund in memory of the late John Crowther for such educational, charitable and religious purposes as in the judgment of the trustees of said fund as hereinafter provided shall best further the welfare of the people of the state of New Hampshire, giving first choice in every instance to the welfare of the people of Sunapee, and that further the said trustees shall as a primary duty in the administration of the said fund provide for the maintenance, in keeping with the laws of the Roman Catholic Church, of a certain cemetery and mortuary edifice or chapel which has been erected in said Sunapee to the memory of the late John Crowther and shall also maintain the grounds adjacent thereto as hereinafter described, and further that the trustees in the administration of the fund shall be guided in the choice of their objectives by the principles of righteousness and morality without reference to any sect or creed but shall in the maintenance of the cemetery and mortuary edifice or chapel be governed by the laws of the Roman Catholic Church as defined to the trustees by a trustee as hereinafter provided who shall be nominated by the Roman Catholic Bishop of Manchester, if the said Bishop so elects. And the said mortuary edifice or chapel, with the road leading thereto, shall, weather permitting, daily be kept open to the

public for meditation and worship between the hours of 9 a. m. and 5 p. m.

3. Powers. Said corporation may receive by gift, grant, devise or otherwise and may hold, possess and enjoy for the purposes of said corporation real and personal estate to an amount producing an annual net income not to exceed fifty thousand dollars; that the said corporation shall likewise have the power to invest and reinvest its holdings of real or personal property according to the best judgment of the board of trustees and the said board of trustees shall not be bound in their investments or reinvestments to those investments which by the laws of the state of New Hampshire are legal for trustees but shall on the contrary have the power to invest in any securities or real estate according to their best discretion; that is, specifically they have the power to buy, to hold and to sell common and preferred stocks of any American corporation whose shares are listed on the New York Stock Exchange or any exchange which may become the successor of the New York Stock Exchange and in so investing the said trustees shall be liable only to the exercise of ordinary business prudence which shall be interpreted as the absence of gross negligence.

4. Board of Trustees. The selectmen of the town of Sunapee for the time being shall be deemed for the purposes of this act one *ex-officio* trustee, and the Roman Catholic Bishop of Manchester for the time being, if he so elects, shall appoint a representative who shall be deemed one *ex-officio* trustee. Said *ex-officio* trustees shall have no voice in the selection and election of other trustees. The business, property and affairs of said corporation shall be managed and controlled by a board of not more than seven trustees. The first board of trustees shall consist of the *ex-officio* trustees hereinbefore defined, Samuel Crowther, Mary Owens Crowther, Mary E. Ramsay and two others to be selected by the last three mentioned persons. Said additional trustees shall be elected at the organization meeting. Samuel Crowther, Mary Owens Crowther and Mary E. Ramsay shall be trustees during their respective lifetimes with the sole right to select the two elective trustees. Upon the death of Samuel Crowther, Mary Owens Crowther and Mary E. Ramsay or any of them the vacancy thus created shall be filled by the other trustees, exclusive of the *ex-officio*

trustees, by the nomination of the oldest descendant of said Samuel and Mary Owens Crowther, provided that no person shall be nominated who is not of the age of twenty-one years. The succession in the board of trustees shall be among the descendants of said Samuel and Mary Owens Crowther so long as there are such descendants, it being the intent and purpose of this act that three of said trustees shall be descendants of said persons so long as there are such descendants. Upon the decease of Samuel and Mary Owens Crowther, Mary E. Ramsay and the last descendants of said Samuel and Mary Owens Crowther the term of office of the elected members shall terminate and the board of trustees shall consist only of the *ex-officio* members hereinbefore defined who shall have full charge and control of all the affairs of said corporation. Vacancies in the office of the two elective trustees shall be filled by nomination by Samuel Crowther, Mary Owens Crowther and Mary E. Ramsay or by their successors.

5. Conveyance of Property. The said corporation is hereby authorized to accept a conveyance of said cemetery and mortuary edifice or chapel, together with the ground immediately adjacent thereto, to wit, a tract of land in said Sunapee beginning at a point marked by a monument on the southerly side of the highway leading from the Mary Owens Crowther place to Wendell Station, at the northeast corner of said Crowther's land; thence on the wall or boundary line separating the property of Mary Owens Crowther from that of David O. Harrison N. 18° E. for 538 feet, more or less, to a monument; thence easterly 165 feet to a monument, properly marked, and thence in a straight line to the point of beginning, containing one-third acre, more or less. Upon the acceptance of such conveyance, said corporation shall with respect to this plot of land be entitled to the same provisions relating to exemptions from taxation as are contained in section 22, chapter 60 of the Public Laws, as amended by chapter 4, Laws of the special session of 1930, relating to the exemption from taxation of property of educational, charitable and religious institutions.

6. First Meeting. Any two of the above-named grantees may call the first meeting of said corporation by mailing a notice of the time and place to the others at least one week previous to the date of the meeting, provided, however, that such meeting may be legally held at any time or place in ac-

cordance with the written agreement of all the incorporators, if present at any such meeting, shall constitute a quorum for the transaction of all business within the powers of the incorporators.

7. Takes Effect. This act shall take effect upon its passage.

[Approved July 7, 1937.]

CHAPTER 312.

AN ACT TO AMEND THE CHARTER OF LUCY HASTINGS HOSPITAL, INC.

SECTION

- 1. Lucy Hastings Hospital, Inc.
- 2. Powers.
- 3. Further powers.

SECTION

- 4. Character of corporation.
- 5. Takes effect.

Be it enacted by the Senate and House of Representatives in General Court convened:

1. Amendment. Amend the charter of Lucy Hastings Hospital, Inc. incorporated February 25, 1925, under the general laws by striking out in the articles of agreement of the incorporation and in its charter all provisions relating to capital stock and the issue thereof and by amending the clause in said articles of agreement and in said charter relating to the powers and liabilities of said corporation, so that the same shall be as provided in sections 2 and 3 hereof.

2. Powers. Said corporation is hereby authorized to establish and maintain in the city of Manchester an institution for such nursing care, support, medical and surgical treatment of sick and disabled persons as are usually furnished by similar institutions and to maintain and conduct a training school for nurses and for such purposes acquire and hold by lease, purchase, donation, deed, will or otherwise real and personal estate not exceeding in value five hundred thousand dollars, and sell, lease, mortgage or otherwise dispose of the same.

3. Further Powers. Said corporation may establish and adopt a constitution and by-laws, rules and regulations and from time to time alter the same, choose honorary members, constitute officers, committees, agents and servants and have and exercise all the powers and privileges incident to corpora-

tions of like nature not contrary to the constitution and laws of this state.

4. Character of Corporation. Upon the filing with the secretary of state of a sworn affidavit by the president and treasurer of the corporation that all the capital stock of said corporation heretofore issued has been donated to said corporation and legally cancelled, said corporation shall thereupon be and become a charitable corporation and entitled to all the rights and privileges of such corporations.

5. Takes Effect. This act shall take effect upon its passage.

[Approved July 7, 1937.]

CHAPTER 313.

AN ACT RELATING TO THE VILLAGE FIRE PRECINCT OF WOLFEBORO.

SECTION

1. Election of commissioners.
2. Name given.
3. Meetings legalized.

SECTION

4. Renumbering.
5. Takes effect.

*Be it enacted by the Senate and House of Representatives in
General Court convened:*

1. Election of Commissioners. Amend section 2 of chapter 183 of the Laws of 1897, as amended by chapter 203 of the Laws of 1903, by striking out said section and inserting in place thereof the following: **Sect. 2.** The said precinct shall have the power and authority to make regulations for the use of said electricity and the control and management of the plant shall be placed in the hands of three commissioners. At the next annual precinct meeting after the passage of this act one commissioner shall be elected for a term of three years and thereafter at each annual meeting one commissioner shall be elected to serve for a term of three years.

2. Name Given. Amend chapter 183 of the Laws of 1897, as amended by chapter 315 of the Laws of 1913, by inserting after section 5 the following new section: **Sect. 6.** The name of said electric light plant shall be Municipal Electric Department of Wolfeboro, N. H.

3. Meetings Legalized. The present commissioners of said precinct shall hold office for the terms for which they were

elected and all prior elections for commissioners held by said precinct are hereby legalized and ratified.

4. Renumbering. Section 6 of chapter 183 of the Laws of 1897, as numbered by chapter 315 of the Laws of 1913, is hereby renumbered to read section 7.

5. Takes Effect. This act shall take effect upon its passage.

[Approved July 13, 1937.]

CHAPTER 314.

AN ACT TO AMEND THE CHARTER OF THE CITY OF NASHUA.

SECTION

1. Charter of the city of Nashua.

SECTION

2. Takes effect.

Be it enacted by the Senate and House of Representatives in General Court convened:

1. Charter of the City of Nashua. Amend section 42 of part I, chapter 427 of the Laws of 1913, being the charter of the city of Nashua as adopted by vote of the inhabitants of said city, by striking out said section and inserting in place thereof the following: **Sect. 42.** The board of aldermen shall elect by *viva voce* and major vote on roll call a city clerk and overseer of the poor who shall be one and the same person, city treasurer and collector of taxes who shall be one and the same person, city physician, city solicitor and board of health. In all other cases offices shall be filled by appointment of the mayor, subject to confirmation by said board, except the city messenger, who shall be chosen and appointed by the mayor, unless otherwise provided for in this charter. All vacancies occurring in such offices shall be filled in the same manner. The board of aldermen may by ordinance prescribe the time for choosing or appointing all officers to be chosen by it, or by the mayor, and fix their compensation and terms of office, but not exceeding two years. Nevertheless, the officers so to be chosen by the board of aldermen or mayor on the first secular day of January, 1915, shall hold their offices for only one year and until their respective successors are chosen and qualified. In all cases where salaries or wages for services are paid from the municipal treasury, the compensation shall be determined by the heads of the several departments. In no instance however

shall the salary requirements of the several departments exceed the yearly appropriation granted by the board of aldermen.

2. Takes Effect. This act shall take effect upon its passage.

[Approved July 14, 1937.]

CHAPTER 315.

AN ACT LEGALIZING THE ELECTION PROCEEDINGS OF THE SPECIAL TOWN MEETING IN THE TOWN OF WEARE ON JUNE 17, 1937.

SECTION

1. Proceedings legalized.

SECTION

2. Takes effect.

*Be it enacted by the Senate and House of Representatives in
General Court convened:*

1. Proceedings Legalized. The votes and proceedings of the special town meeting held on the seventeenth day of June, 1937, are hereby legalized, ratified and confirmed.

2. Takes Effect. This act shall take effect upon its passage.

[Approved July 20, 1937.]

CHAPTER 316.

AN ACT TO DISSOLVE GLEN JUNCTION TRANSFER COMPANY.

SECTION

1. Glen Junction Transfer Com-
pany.

SECTION

2. Takes effect.

*Be it enacted by the Senate and House of Representatives in
General Court convened:*

1. Glen Junction Transfer Company. Glen Junction Transfer Company, a corporation created under the provisions of chapter 154, Laws of 1897, as amended by chapter 330, Laws of 1903, is hereby dissolved.

2. Takes Effect. This act shall take effect upon its passage.

[Approved July 20, 1937.]

CHAPTER 317.

AN ACT RELATING TO THE OPERATION OF A RECREATION FIELD BY
THE CITY OF BERLIN.

SECTION

1. Berlin recreational field.

SECTION

2. Takes effect.

*Be it enacted by the Senate and House of Representatives in
General Court convened:*

1. Berlin Recreational Field. Amend section 6 of "An Act to authorize the city of Berlin to acquire a piece of land in the town of Milan and to operate a recreational field thereon" approved February 12, 1937,* by striking out said section and inserting in place thereof the following: **6. Operation.** Said recreation field and structures thereon or therein shall be operated for the benefit of the public and all structures and improvements connected therewith shall be exempt from taxation, provided that the city of Berlin shall make payments on or before the first day of November of each year to the said town of Milan of a sum equal to the taxes which would have been assessed against said field if the same had been included in the list of taxable property for such year at the assessed valuation of the same as determined for the tax year 1936. Said field shall be policed by the officials of said Milan when requested and paid by the city of Berlin. The regulation of business, plays, games, sports and exhibitions on the Lord's day on said field shall be governed by ordinances adopted by the city of Berlin in accordance with the provisions of law relative thereto. All revenue received on account of said field or structures shall be paid to the city treasurer at least once a month, who shall hold the same in a separate fund, designated as the Recreational Fund to be used solely for the erection and maintenance of structures on said field.

2. Takes Effect. This act shall take effect upon its passage.

[Approved July 29, 1937.]

* Chapter 261, *ante*.

CHAPTER 318.

AN ACT AUTHORIZING THE JAFFREY SCHOOL DISTRICT IN THE
TOWN OF JAFFREY TO BORROW MONEY AND TO ISSUE
SERIAL NOTES OR BONDS.

SECTION

- 1. Authority to borrow money.
- 2. Bonds or notes authorized.
- 3. Debt limit.

SECTION

- 4. Application of laws.
- 5. Takes effect.

*Be it enacted by the Senate and House of Representatives in
General Court convened:*

1. Authority to Borrow Money. The Jaffrey School District in the town of Jaffrey is hereby authorized to borrow on its credit a sum not exceeding one hundred and ten thousand dollars for the purpose of erecting and equipping a schoolhouse and auditorium in said district.

2. Bonds or Notes Authorized. The school board of said district is hereby authorized and empowered to issue for and in behalf of said district serial notes or bonds to the amount of one hundred and ten thousand dollars for the purpose of erecting and equipping a schoolhouse and auditorium in said district.

3. Debt Limit. The debt authorized by this act shall be exempt from the limitation imposed upon the borrowing capacity of said district by section 7 of chapter 59 of the Public Laws.

4. Application of Laws. Except as otherwise provided in this act the provisions of the Municipal Bonds Statute shall apply to the notes or bonds herein authorized.

5. Takes Effect. This act shall take effect upon its passage.

[Approved August 5, 1937.]

CHAPTER 319.

AN ACT RELATING TO THE ISSUANCE OF BONDS BY THE COUNTY OF HILLSBOROUGH.

SECTION

1. County bonds authorized.
2. Execution.

SECTION

3. Presumption.
4. Takes effect.

Be it enacted by the Senate and House of Representatives in General Court convened:

1. County Bonds Authorized. The county commissioners of Hillsborough county are hereby authorized to issue, for and in behalf of said county, serial coupon bonds to an amount not exceeding six hundred thousand dollars (\$600,000), for the purpose of refunding a like amount of outstanding floating indebtedness, including various notes and any refunding or renewals of all or any portion thereof heretofore or hereafter made, and to reimburse the county treasury for any funds advanced therefrom temporarily to pay any portion of said floating indebtedness, pending the receipt of proceeds of bonds authorized by this act. Bonds to an amount not exceeding three hundred thousand dollars (\$300,000), shall be issued during the year 1937, shall be payable to bearer, shall be dated September 1, 1937, shall be in the denomination of one thousand dollars (\$1,000) each, shall mature fifteen thousand dollars (\$15,000) each year for the next succeeding twenty years, shall bear interest at a rate not to exceed five per cent per annum, payable semi-annually, and shall bear the county seal. Bonds to an amount not exceeding three hundred thousand dollars (\$300,000) may be issued, upon approval of the Hillsborough county delegation, during the year 1938, and if issued shall be payable to bearer, shall be dated September 1, 1938, shall be in the denomination of one thousand dollars (\$1,000) each, shall mature fifteen thousand dollars (\$15,000) each year for the next succeeding twenty years, shall bear interest at a rate not to exceed five per cent per annum, payable semi-annually, and shall bear the county seal.

2. Execution. Each bond shall be designated Hillsborough County Funding Bond, shall be signed by the county commissioners or by a majority thereof, countersigned by the county treasurer, and bear on face a certificate of registration signed by the clerk of the superior court of said county. The coupons

annexed shall bear the facsimile signature of the county treasurer. Said county commissioners may sell at less than par or at not less than par said bonds at public sale after publication of notice at least once each week for three successive weeks, the first publication being at least twenty-one days before the time of opening of bids, reserving, however, the right to reject any and all bids, and may sell at private sale all or any of said bonds not thus sold, at less than par or at not less than par. Other particulars as to the form, issuance and sale of bonds not fixed herein or by vote of the commissioners may be determined by the county treasurer.

3. Presumption. Bonds and notes herein authorized purporting on face to be issued by virtue and in pursuance of this act, shall, in favor of *bona fide* holders be conclusively presumed to have been authorized and issued in accordance with provisions herein contained; and no holder thereof shall be obliged to see to the application of the proceeds. The county shall annually raise by taxation a sum sufficient to pay the amounts of principal and interest of said bonds payable each year.

4. Takes Effect. This act shall take effect upon its passage.

[Approved August 20, 1937.]

CHAPTER 320.

AN ACT RELATING TO THE CHARTER OF THE CITY OF BERLIN.

SECTION

1. Interpretation.
2. Municipal elections.
3. Administration.
4. Election procedure.
5. Council.
6. Mayor.
7. City clerks.

SECTION

8. Appointive officers.
9. Schools.
10. Powers of city council.
11. Fiscal year.
12. Salaries.
13. Referendum; takes effect.

Be it enacted by the Senate and House of Representatives in General Court convened:

1. Interpretation. The original charter of the city of Berlin, chapter 121 of the Laws of 1897, and any amendments are hereby repealed as far as inconsistent herewith, but otherwise are in full force and effect.

2. Municipal Elections. Municipal elections shall be held

on the second Tuesday of March beginning with 1939, and biennially thereafter, at such place in said city as may be fixed by the city council. Excepting moderators, supervisors of the check-lists and officers elected or receiving appointments in manner otherwise provided, all city and ward officers shall be chosen at such municipal elections.

3. Administration. The administration of the fiscal, purdential and general municipal affairs of the city shall be vested in one principal officer to be called a mayor and a board of twelve members to be called the council. The mayor and council shall act as one body to be called the city council.

4. Election Procedure. The general procedure for caucuses and biennial elections of chapters 25 and 26 of the Public Laws and amendments thereto shall be used, so far as applicable, and the clerk of said city shall prepare the ballots in accordance therewith.

5. Council. At the municipal election on the second Tuesday, in March, 1939, and at each election thereafter each ward shall elect three councilmen. The term of office of each shall be for two years. The term of office of all councilmen holding office prior to the said second Tuesday in March, 1939, shall expire on said date.

6. Mayor. The mayor shall be chosen at the municipal election and shall have a negative upon all the acts of the council to which his veto power would extend had the city government herein constituted provided for a board of aldermen, and such veto power shall extend to individual items of appropriation. He shall preside in all meeting of the city council but shall have no vote except in case of an equal division, or as otherwise provided. In the absence of the mayor, the council may elect, by ballot, one of the members chairman, who shall have all the powers and perform all the duties of the mayor during such absence or during disability or a vacancy in office from any cause.

7. City Clerks. The mayor and city council shall take their respective oaths on the last Monday in March after their election, and at such time shall choose, by ballot, a city clerk and deputy city clerk.

8. Appointive Officers. The mayor shall appoint, subject to confirmation by a majority of the council, a board of three assessors, on the last Monday in March or within thirty days

thereafter, one to be appointed for one year, one for two years, and a third for three years, and one annually thereafter on said last Monday in March, or within thirty days thereafter, who shall hold office for said periods, or until their successors have been duly appointed, confirmed and qualified. The salary of each assessor shall be five hundred dollars annually. Said assessors may choose a clerk, who shall receive such salary as shall be allowed by the city council. In the same manner, and at the same time, the mayor, subject to confirmation by a majority of the council, shall appoint a board of health of three persons, a board of library trustees of three persons and a board of education of three persons; the term of office for each member of said boards shall be the same as the said board of assessors. Subject to confirmation by a majority of the city council, the mayor shall also appoint a city treasurer (who shall also serve as treasurer for the board of education), a city auditor, collector of taxes, and city solicitor, commissioner of public works, inspector of buildings, city engineer, overseer of the poor, a chief and assistant engineer of the fire department; the term of office of such appointees shall be for two years and until their successors are appointed and qualified except such officers or agents as may be appointed for a lesser period in which case such appointments shall be designated as temporary. Said city council may create such governmental departments and appoint such other officers or agents as are necessary for the good of the government of the city; such departments and officers and agents to be temporary and subject to removal when so voted by the mayor and a majority of the council. Any officer may be removed, for cause and after hearing, by a majority of the city council voting therefor. Vacancies shall be filled, subject to confirmation in the same manner, for the unexpired term. All compensation of officers and agents not otherwise fixed by statute shall be voted by the city council. Except as otherwise herein provided, all terms of office shall be for two years and until their successors are appointed or elected and qualified.

9. Schools. The appropriation for schools shall be vested in the city council and the board of education shall be accountable to the city council for expenditures for school purposes. The general management and control of public schools and of buildings and property pertaining thereto shall be vested in the

board of education. Councilmen shall be ineligible to act as members of the board of education. The city shall constitute one school district.

10. Powers of City Council. Except as otherwise provided, the city council shall have all the powers and duties which are applicable to mayors, boards of aldermen and common councils of cities, and their terms of office shall be extended until their successors are elected and qualified.

11. Fiscal Year. The fiscal year shall begin on the first day of March, and end on the last day of February of each year.

12. Salaries. Beginning with the first day of March, 1939, the mayor shall receive an annual salary of fifteen hundred dollars. Such salary shall be in full and for services of every kind rendered and shall be paid monthly. Beginning with March 1, 1939, each councilman shall receive a *per diem* payment of four dollars for actual attendance at all regular, special or adjourned meetings, but no councilman shall receive more than a total of two hundred dollars in any one year.

13. Referendum; Takes Effect. This act shall not take effect unless it is adopted by a majority vote of the legal voters present and voting on the question at the regular city election to be holden in the city of Berlin on the second Tuesday of March, 1938, under an article in the warrants for such meeting. The mayor and council shall meet at two o'clock in the afternoon on the second day after said meeting examine the returns and declare the result. If it shall appear that a majority of those voting at said meeting on said question have voted in the affirmative the act shall be declared to have been adopted. If adopted as hereinbefore provided that act shall, except as otherwise herein provided, take effect on the second Tuesday of March, 1939. Any officers, except councilmen, chosen and qualified by the charter provisions in force prior to said second Tuesday of March, 1939, shall hold their offices for the remainder of the term thereof as therein provided and until their successors are chosen and qualified.

[Approved August 20, 1937.]

CHAPTER 321.

AN ACT IN RELATION TO THE KEENE SHOPS OF THE BOSTON & MAINE RAILROAD.

SECTION

1. Repeal.
2. Amendment.

SECTION

3. Conditions.
4. Takes effect.

WHEREAS it was provided by section 5 of chapter 257 of the Laws of 1887 that any lease or union of the Cheshire Railroad Company to or with another railroad corporation should be subject to the condition that its repair and construction shops in this state should not be discontinued or the work done thereat materially diminished; and it was further provided by section 12 of chapter 367 of the Laws of 1917, as amended by chapter 278 of the Laws of 1931, that the repair and construction shops within this state maintained by the Boston & Maine Railroad or any of its subsidiaries as of July 1, 1931, should not be discontinued and that a designated proportion of the shop repair and construction work of the Boston & Maine Railroad system should be done in this state; and

WHEREAS the Boston & Maine Railroad desires to transfer to its shops at Concord in this state the repair and construction work heretofore done at the shops maintained by it as successor to the Cheshire Railroad Company in Keene, and negotiations are in progress between it and representatives of the city of Keene relative to such proposed transfer; now therefore

Be it enacted by the Senate and House of Representatives in General Court convened:

1. Repeal. Section 5 of chapter 257 of the Laws of 1887 is hereby repealed.

2. Amendment. Section 12 of chapter 367 of the Laws of 1917, as amended by section 1 of chapter 278 of the Laws of 1931, is hereby further amended by inserting the words, except the shops at Keene, before the words "maintained as of July 1, 1931," so that said section as amended shall read as follows:

Sect. 12. It will be a condition to the exercise of the rights, privileges and franchises granted herein that the repair and construction shops within this state except the shops at Keene, maintained as of July 1, 1931, by the Boston & Maine Railroad or any of the subsidiary companies shall not be discontinued and that a proportionate part of the shop repair and construc-

tion work of the reorganized Boston & Maine Railroad shall be done within this state; such proportionate part shall be to the repair and construction work for the system as a whole as the combined locomotive and car miles operated within New Hampshire are to the combined locomotive and car miles operated on the system as a whole; and to determine whether such proportionate part of the shop repair and construction work is being done within the state, the compensation paid to employees engaged in such work within the state shall be compared with the compensation paid to employees engaged in such work for the system as a whole.

3. Conditions. The foregoing repeal and amendment are subject to the following conditions:

(a) That in the event of a discontinuance of its Keene shops the classes and kinds of repair and construction work done by the Boston & Maine Railroad at said shops since July 1, 1931, shall forthwith be transferred to, and shall thereafter be done at, its shops in Concord in this state.

(b) That prior to such discontinuance the Boston & Maine Railroad shall, by contract with its present employees at said Keene shops or with their authorized representatives under the federal railway labor act, assure to all of such employees who are willing to accept the same, subject to existing seniority rules, employment at its Concord shops or elsewhere on its system, at mechanical work similar to their present work so far as practicable, and at wages not inferior to their present wages.

(c) That prior to such discontinuance the Boston & Maine Railroad shall, without expense to the city of Keene, procure the establishment in said city of some other acceptable industry or industries having an expectant average annual pay roll at least equal to the pay roll of its Keene shops during the calendar year 1936, and that it shall not curtail the classes of work now done at said shops pending the establishment of such substitute industry.

(d) That prior to such discontinuance the Boston & Maine Railroad and the city of Keene shall enter into a written contract, duly approved by the board of directors of said railroad, by the city councils of said city, and by a majority of the legal voters of said city present and voting at a regular municipal election or at a special election called by the city councils for

that purpose, by the terms whereof the city shall agree to the proposed discontinuance of the existing Keene shops and the railroad shall agree to protect and indemnify the city for the term of not less than ten nor more than twenty years, as may be provided by said contract, against loss of tax revenue, and against loss from diminution of average annual pay roll, in consequence of such discontinuance and the substitution of another industry or industries as aforesaid. The amount of indemnity payable to or recoverable by the city on account of diminution of pay roll for any year shall be the sum by which (a) the gross pay roll of the substituted industry or industries for such year, plus the gross pay roll of the Keene shops for such year in case the work thereat is discontinued only in part or restored in part, shall be less than (b) the gross pay roll of said shops for 1936; but any excess of item (a) over item (b) for any year or years shall be credited against any deficiency in subsequent years. Said contract shall, when approved as aforesaid, be binding upon the Boston & Maine Railroad and its successors and assigns, and the city of Keene is hereby authorized to sue in its corporate capacity for any breach thereof. Any judgment obtained against the railroad in an action for loss of tax revenue shall be a preferred claim, having the same priority as taxes; but a judgment obtained for pay roll loss shall not have such priority except in case of receivership or bankruptcy. Any sum paid to or recovered by the city for pay roll or tax loss shall become a part of its general unappropriated fund.

4. Takes Effect. This act shall take effect whenever the public service commission shall certify in writing to the secretary of state that the foregoing conditions (b), (c) and (d) have been duly complied with, and said commission is hereby authorized to make any investigation necessary to determine such question of compliance.

[Approved August 20, 1937.]

SPECIAL SESSION

MAY 12, 13, 1936.

CHAPTER 1.

AN ACT TO PROVIDE FUNDS FOR THE CONSTRUCTION, RECONSTRUCTION AND REPAIR OF HIGHWAYS, BRIDGES AND CULVERTS THROUGHOUT THE STATE DAMAGED OR DESTROYED DURING THE FLOODS OF MARCH, 1936.

SECTION

1. Appropriation.
2. State highway system.
3. Town highways.
4. Bonds authorized.

SECTION

5. Short term notes.
6. Motor vehicle road toll.
7. Takes effect.

Be it enacted by the Senate and House of Representatives in General Court convened:

1. Appropriation. In addition to the sums of money heretofore appropriated or provided for highway purposes, a sum not exceeding two million dollars is hereby raised, as hereinafter provided, and appropriated for the construction, repair, relocation and reconstruction of highways, bridges and culverts throughout the state damaged or destroyed during the floods of March, 1936.

2. State Highway System. In constructing, repairing, relocating and reconstructing the highways, bridges and culverts in the state highway, state-aided highway and trunk line systems and the state-aided highway bridges which were damaged or destroyed during the said floods, the highway commissioner, with the approval of the governor and council, may expend such portion of the said two million dollars as is necessary and the towns and cities shall not be liable for any expense in connection with such construction, repair, relocation and reconstruction.

3. Town Highways. In cases of serious damage during said floods to town or city highways, bridges and culverts, other than those included in state highway, state-aided highway and trunk line systems, and state-aided highway bridges, the several towns and cities, upon application to the governor, shall receive from the state in aid of the necessary construction and repair, relocation and reconstruction of the same or

any part thereof, and the providing of such temporary highway facilities as the public convenience requires, such sums of money as the governor, with the advice and consent of the council, may approve. In determining the amounts to be approved for payment hereunder to any town or city the amount of damage to its highways, bridges and culverts, its financial condition in consequence of said damage, the reasonable requirements of service to the public, and any aid available from the federal government for such flood damage shall be taken into consideration and no town or city shall be required to expend therefor upon its own account a sum greater than one-eighth of one per cent of its assessed valuation for the year 1936, or a sum which together with its present indebtedness equals an amount in excess of its debt limit. Construction and repair, relocation and reconstruction made by towns or cities from such funds shall be under the supervision of the state highway commissioner.

4. Bonds Authorized. The state treasurer is hereby authorized, under the direction of the governor and council, to borrow upon the credit of the state, for the purpose of carrying into effect the provisions of this act, sums not to exceed two million dollars in all and for that purpose may issue bonds and notes in the name of and on behalf of the state of New Hampshire at a rate of interest to be determined by the governor and council at the time of approval of the issue, said interest to be payable semi-annually. The maturity dates of such bonds and notes shall be not later than December 31, 1952. Such bonds and notes shall be in such form and such denominations and with such provisions for call or redemption as the governor and council may determine, may be registerable as to both principal and interest, and shall be countersigned by the governor and shall be deemed a pledge of the faith and credit of the state. The secretary of state shall keep an account of all such bonds and notes as countersigned by the governor, showing the number and amount of each bond and note, the time of countersigning, the date of delivery to the treasurer and the date of maturity. The state treasurer shall keep an account of each bond and note, showing the number thereof, the name of the persons to whom sold, the amount received for the same, the date of the sale and the date of maturity.

The treasurer may negotiate and sell such bonds and notes by direction of, and in such manner as, the governor and council deem most advantageous to the state. The proceeds of the sale of such bonds and notes shall be held by the treasurer and paid by him upon warrants drawn by the governor for the purposes of this act alone. The governor, with the advice and consent of the council, shall draw his warrant for the payment, from the funds provided for by this act, of all sums expended or due for the purposes herein authorized.

5. Short Term Notes. Prior to the issuance of bonds hereunder, the treasurer, under the direction of the governor and council, may for the purposes hereof borrow money from time to time on short term loans to be refunded by the issuance of the bonds hereunder, provided however that at no one time shall the indebtedness of the state on such short term loans exceed the sum of two million dollars.

6. Motor Vehicle Road Toll. Beginning with the final payment of the bonds provided for by chapter 41 of the Laws of 1929, as amended by chapter 151 of the Laws of 1933, the additional road toll of one cent per gallon, provided for in section 8 of said chapter 41, shall be continued in full force and effect until the final payment of the bonds and notes provided for by this act. Such additional motor vehicle road toll shall be collected in the manner now provided. A separate account of such additional motor vehicle road toll shall be kept by the state treasurer to which he shall add from time to time, at the direction of the governor acting with the advice and consent of the council, such sums from the separate account provided for by said chapter 41 as are not reasonably necessary for the payment of the bonds provided for by said chapter. The funds so held shall be used at the discretion of the governor, with the approval of the council, to pay the interest and principal of the bonds and notes provided for by this act. To the extent that said funds are insufficient, at any time, to pay the interest and principal due on any bonds and notes provided for by this act the governor shall draw his warrant upon the general highway fund for the payment thereof. Upon the final payment of the bonds and notes which may be issued under the authority of this act the governor and council shall forthwith by proclamation terminate the further collection of the additional motor vehicle road toll hereby provided.

7. Takes Effect. This act shall take effect upon its passage.

[Approved May 13, 1936.]

CHAPTER 2.

AN ACT MAKING APPROPRIATION FOR AND IN AID OF RECONSTRUCTION AND REPAIR OF PUBLIC PROPERTY DAMAGED OR DESTROYED DURING THE FLOODS OF MARCH, 1936, AND FOR EMERGENCY EXPENDITURES FOR THE PROTECTION OF LIFE AND PROPERTY DURING SAID FLOODS.

SECTION

1. Appropriation.
2. State property.
3. Town and city property.

SECTION

4. Emergency expense.
5. Notes authorized.
6. Takes effect.

Be it enacted by the Senate and House of Representatives in General Court convened:

1. Appropriation. A sum not to exceed one hundred thirty thousand dollars is hereby raised, as hereinafter provided, and appropriated for the reconstruction and repair of state, town or city property, other than highways, bridges and culverts, damaged or destroyed during the floods of March, 1936, and for emergency expenditures made by departments of the state government for the protection of life and property during said floods.

2. State Property. The governor, with the advice and consent of the council, is hereby authorized to reconstruct and repair state property, other than highways, bridges and culverts, damaged or destroyed by said floods and may expend such portion of the money appropriated hereby as may be necessary therefor.

3. Town and City Property. In case of serious damage during said floods to town or city property, other than highways, bridges and culverts, the several towns and cities upon application to the governor, shall receive from the state in aid of the necessary reconstruction and repair of such property such sums of money as the governor, with the advice and consent of the council, may approve. In determining the amounts to be approved for payment hereunder to any town or city, the

amount of damage to its property including its highways, bridges and culverts, its financial condition in consequence of said damage, the reasonable requirements of service to the public and any aid available from the federal government for such flood damage, shall be taken into consideration and no town or city shall be required to expend upon its own account, for such reconstruction and repair and for the construction, repair, relocation and reconstruction of its highways, bridges and culverts, a sum greater than one-eighth of one per cent of its assessed valuation for the year 1936, or a sum which together with its present indebtedness equals an amount in excess of its debt limit.

4. Emergency Expense. The state treasurer is hereby authorized, under the direction of the governor, to transfer to a separate account emergency expenditures made by departments of the state government for the protection of life and property during said floods, and the governor is hereby authorized to draw his warrant for the payment thereof from the funds provided for by this act in sums not to exceed thirty thousand dollars in the aggregate.

5. Notes Authorized. The state treasurer is hereby authorized, under the direction of the governor and council, to borrow from time to time upon the credit of the state, for the purpose of carrying out the provisions of this act, sums not to exceed one hundred thirty thousand dollars in all and for that purpose may issue notes in the name and on behalf of the state of New Hampshire at such rates of interest and dates of maturity, not later than July 1, 1937, as the governor with the advice and consent of the council may approve. Such notes shall be in such form and such denominations as the governor, with the advice and consent of the council, may determine, may be registerable as to both principal and interest, and shall be countersigned by the governor, and shall be deemed a pledge of the faith and credit of the state. The secretary of state shall keep an account of all such notes as countersigned by the governor, showing the number and amount of each note, the time of countersigning, the date of delivery to the treasurer and the date of maturity. The state treasurer shall keep an account of each note showing the number thereof, the name of the person to whom sold, the amount received for the same, the date of the sale and the date of maturity. The treasurer may

negotiate and sell such notes by direction of, and in such manner as, the governor and council deem most advantageous to the state. The proceeds of the sale of such notes shall be held by the treasurer and paid by him upon warrants drawn by the governor for the purposes of this act alone. The governor, with the advice and consent of the council, shall draw his warrant for the payment, from the funds provided for by this act, of all sums expended or due for the purposes herein authorized. Said notes shall be charged against the so-called sinking fund constituted by chapter 126 of the Laws of 1931, and the interest thereon and principal thereof shall be paid therefrom. To the extent that such notes mature at times when there is insufficient money in the said sinking fund to pay such notes they may be extended or refunded as herein provided for original issue provided, however, that in determining the total amount authorized to be borrowed under this section no account shall be made of duplications due to extensions and/or refundings.

6. Takes Effect. This act shall take effect upon its passage.

[Approved May 13, 1936.]

CHAPTER 3.

AN ACT RELATING TO UNEMPLOYMENT COMPENSATION.

SECTION

1. Unemployment compensation refunds.

SECTION

2. Takes effect.

Be it enacted by the Senate and House of Representatives in General Court convened:

1. Amendment. Amend chapter 179-A of the Public Laws as inserted by chapter 99 of the Laws of 1935, by adding at the end of said chapter the following new sections:

64. Refunds. The commissioner shall remit, refund and pay back all taxes or contributions erroneously or illegally exacted or collected under the provisions of this chapter, notwithstanding such taxes or payments may have been paid without protest.

65. Application. No such remittance, refund or repayment shall be made until application therefor shall have been made

to the commissioner in writing, nor unless such application shall have been made within two years next after the payment of the tax contribution, or portion of the same, for which recovery is sought.

66. Disposition of Application. Upon proper application the commissioner shall certify to the applicant his determination thereof and the amount, if any, to be returned or remitted. If the applicant is dissatisfied with such determination he may within thirty days following receipt of such determination, but not otherwise, appeal to the superior court for the county of Merrimack, which court after hearing shall determine the amount erroneously or illegally exacted or collected and shall certify the decree to the state treasurer.

67. Claims Limited. No ground for remittance, refund or repayment shall be advanced, relied upon or maintained upon such appeal not previously set forth in the application to the commissioner, unless otherwise ordered by the court for good cause shown.

68. Costs. No costs shall be allowed against the commissioner upon any such appeal but shall be decreed against an unsuccessful appellant as in ordinary cases unless the court shall in its discretion otherwise order.

69. Source of Refunds. Notwithstanding the provisions of any other section hereof the state treasurer shall, upon presentation of the proper certificate for repayment, refund the amount so certified to the person or persons entitled thereto proportionately from the assets in the unemployment compensation fund established by this act, including any fund in this state's account in the unemployment and trust fund established and maintained pursuant to section 904 of the Federal Social Security Act.

2. Takes Effect. This act shall take effect upon its passage.

[Approved May 13, 1936.]

CHAPTER 4.

AN ACT RELATING TO AN INTERSTATE BRIDGE AUTHORITY FOR
THE PORTSMOUTH-KITTERY BRIDGE AND APPROACHES
THERETO.

SECTION

1. Compact.
2. Effective date.
3. Vacancy.
4. Appointment of Interstate Bridge Authority.
5. Approval of contract.
6. Incorporation; powers.
7. Bonds authorized.
8. Limitations of bondholders.
9. Interim certificates.

SECTION

10. Revenue.
11. Interim expenses.
12. Federal permit.
13. Agreement of the state.
14. Limitations.
15. Separability clause.
16. Declaration of purposes.
17. Penalties.
18. Takes effect.

Be it enacted by the Senate and House of Representatives in General Court convened:

1. Compact. The governor, with the advice and consent of the council, shall appoint three persons resident in this state, as commissioners upon the part of the state of New Hampshire to enter into, with the state of Maine, by and through the commissioners who may be appointed under or by virtue of the laws of the state of Maine, an agreement or compact in the form following, that is to say:

Compact

WHEREAS, the single highway bridge serving as the sole facility for vehicular traffic over and across the Piscataqua river between the state of New Hampshire and the state of Maine is wholly inadequate to care for and accommodate such traffic over said river between the said two states and therefore causes such traffic congestion in and upon the streets and highways of the city of Portsmouth, New Hampshire, and the town of Kittery, Maine, that the lives and property of the citizens of said communities and the travelers on said streets and highways are constantly endangered; and

WHEREAS, the antiquated and obsolete wooden pile bridge serving as the sole facility for railroad traffic over and across the Piscataqua river between the state of New Hampshire and state of Maine is wholly inadequate to care for and accommodate the railroad traffic between the said two states; and

WHEREAS, the narrow draw-span of said wooden pile rail-

road bridge the sole facility permitting passage of water traffic up and down said river is wholly inadequate to permit the passage of steamers and vessels of broad beam from the sea inland to serve the large industrial plants now situate on the banks of said river and therefore constitutes an obstacle to further enlargement of these industries and the development of numerous other industrial sites located so that passage through said bridge is absolutely necessary; and

WHEREAS, the only remedy for the conditions now existing is the construction of a bridge across said river which by coordinating the facilities required by vehicular and railroad traffic will remove the obstacle to water traffic; and

WHEREAS, the solution of this problem will result in great economy and benefit not only to the states of Maine and New Hampshire but to the nation and will require the cordial co-operation of the states of New Hampshire and Maine in the encouragement of the investment of capital as well as the formulation and execution of the necessary plans and such result can best be accomplished through the joining of the two states of Maine and New Hampshire by and through a common agency.

Now therefore, the said states of New Hampshire and Maine do hereby agree and pledge each to the other as follows:

ARTICLE I.

Said states agree to and pledge, each to the other, faithful co-operation in the planning, execution and construction of a suitable vehicular and railroad bridge with suitable highway approaches thereto and draw-span therein; holding the same in high trust for the benefit of the nation and of the said two states.

ARTICLE II.

There is hereby created "The Maine-New Hampshire Interstate Bridge Authority" which shall be a body corporate and politic having the powers and jurisdiction hereinafter enumerated and such other and additional powers as shall be conferred upon it by the legislature of either state concurred in by the legislature of the other state or by act or acts of Congress as hereinafter provided.

ARTICLE III.

The Authority shall consist of six members, three residents of the state of New Hampshire and three residents of the state of Maine. The New Hampshire members to be chosen by the state of New Hampshire and the Maine members to be chosen by the state of Maine in the manner and for the term fixed and determined from time to time by the legislatures of either state respectively. Any member may be removed or suspended from office as provided by the law of the state from which he shall be appointed.

ARTICLE IV.

The members of the Authority shall, for the purposes of doing business, constitute a board and may adopt suitable rules and regulations for its management.

ARTICLE V.

The Authority shall constitute a body both corporate and politic with full power and authority (1) to sue and be sued; (2) to have a seal and alter the same at pleasure; (3) to adopt from time to time and amend by-laws covering its procedure, rules and regulations governing use of the bridge and any of the other services made available in connection with said bridge, to publish the same, if such publication is necessary or advisable and to cause records of its proceedings to be kept; (4) to construct, maintain, reconstruct and operate an interstate toll bridge over the Piscataqua river between the city of Portsmouth in New Hampshire and the town of Kittery in Maine and for this purpose; (5) to acquire, hold and dispose of personal property for its purposes; (6) to acquire in the name of the Authority by purchase, condemnation, lease or otherwise, any real property and rights or easements therein, deemed by it necessary or desirable for its purposes, and to use such property; (7) to acquire any such real property by the exercise of the power of condemnation in the manner provided by laws and statutes of the said two states or otherwise; (8) to charge and collect fees, fares and tolls for the use of said bridge and other services made available in connection with the said bridge; (9) to make contracts with the United States, the state of New Hampshire, the state of Maine, public corporations or bodies existing therein, and private corporations

and individuals; (10) to accept grants and the co-operation of the United States or any agency thereof in the construction, maintenance, reconstruction, operation and financing of the bridge and its highway approaches and to do any and all things necessary in order to avail itself of such aid and co-operation; (11) to employ such assistants, agents and servants as it shall deem necessary or desirable for its purposes; (12) to exercise any of its powers in the public domain of the United States unless the exercise of such powers is not permitted by the laws of the United States; (13) to borrow money, make and issue negotiable notes, bonds and other evidences of indebtedness or obligations of the Authority and to secure the payment of such obligations or any part thereof by pledge of any part of the revenue of the bridge and, (14) to do all other lawful things necessary and incidental to the foregoing powers. All property of the Authority and all property held in the name of either state pursuant to the provisions hereof shall be exempt from levy and sale by virtue of any execution and no execution or other judicial process shall issue against the same. No judgment against the Authority shall be lien upon its property held in the name of either state pursuant to the provisions hereof. No property now or hereafter vested in or held by either state, by any county, city, town, village, district, township or other municipality thereof shall be taken by the Authority without the authority and consent of the state, county, town, village, district or township or other municipality in which it is located; nor shall anything impair or invalidate any bond, indebtedness of either state, any county, city, town, village, district or township or other municipality nor impair the provisions of law to regulate the payment into sinking funds of revenue derived from municipal property or dedicate the revenues derived from any municipal property to a specific purpose.

ARTICLE VI.

The Authority shall have such additional powers and duties as may hereafter be delegated to and imposed upon it from time to time by the action of the legislature of either state concurred in by the legislature of the other. Unless and until otherwise provided, it shall make a biennial report to the legislatures of both states, setting forth in detail the operations

and transactions conducted by it pursuant to this agreement and any legislation thereunder. The Authority shall not pledge the credit of either state except by and with the expressed authority of the legislature thereof.

ARTICLE VII.

Nothing in this agreement or compact is intended or shall be construed to affect the laws now existing which vest jurisdiction over or control of railroads in the public service commission of the state of New Hampshire, or the public utilities commission of the state of Maine, or the Interstate Commerce Commission of the United States or any agency of either state or the United States.

ARTICLE VIII.

The Authority shall elect from its members a chairman, vice chairman, clerk and treasurer and may appoint such officers and employees as it may require for the performance of its duties and shall fix and determine by resolution their qualifications and duties.

ARTICLE IX.

Expenses incurred by the Authority in the interim between execution of this agreement or compact and the date money received from grants, bonds or revenues shall be available shall be borne by the said two states in equal shares and shall be raised as each state shall determine.

ARTICLE X.

Unless and until otherwise determined by the action of the legislatures of the two states, no action of the Authority shall be binding unless taken at a meeting at which at least two members from each state are present and unless four votes are cast therefor, two from each state. Each state reserves the right hereafter to provide by law for the exercise of a veto power by the governor thereof over any action of any commissioner appointed therefrom.

ARTICLE XI.

Unless and until otherwise determined by the legislatures of the two states, the Bridge Authority shall not incur any obligations for salaries, office or other administrative expenses,

within the provisions of Article IX., prior to the making of appropriations adequate to meet the same.

ARTICLE XII.

The Bridge Authority is hereby authorized to make suitable rules and regulations not inconsistent with the constitution of the United States or of either state, which shall be binding and effective on all persons and corporations affected thereby.

ARTICLE XIII.

The two states shall provide penalties for violations of any order, rule or regulation of the Bridge Authority, and for the manner of enforcing same.

ARTICLE XIV.

Definitions. "Transportation facility" shall include railroads, steam or electric, motor truck or other street or highway vehicles, bridges, highways and every kind of transportation facility now in use or hereafter designed for use for the transportation or carriage of persons or property. "Facility" shall include all works, buildings, structures, stations, appliances and appurtenances necessary and convenient for the proper construction, equipment, maintenance and operation of such facility or facilities or any one or more of them. "Real property" shall include land under water, as well as uplands, and all property either now commonly or legally defined as real property or which may hereafter be so defined. "Personal property" shall include choses in action and all other property now commonly or legally defined as personal property or which may hereafter be so defined. "To lease" shall include to rent or to hire. "Rule or regulation" shall include charges, rates, rentals or tolls fixed or established by the Bridge Authority. Wherever action by the legislature of either state is herein referred to, it shall mean an act of the legislature duly adopted in accordance with the provisions of the constitution of the state. Plural or singular. The singular wherever used herein shall include the plural. Consent, approval or recommendation of municipality, how given. Wherever herein the consent, approval or recommendation of a "municipality" is required, the word "municipality" shall be taken to include any city, town or village district. Such consent, approval or recommendation

whenever required in the case of the city of Portsmouth shall be deemed to have been given whenever the city council of the city of Portsmouth or any body hereafter succeeding to its duties shall by majority vote pass a resolution expressing such consent, approval or recommendation; and in the case of the town of Kittery shall be deemed to have been given whenever at a regular town meeting, or special meeting called for that purpose shall by majority of votes of persons present and voting therefor; and in all other cases whenever the body authorized to grant consent to the use of the streets or highways of such municipality shall by a majority vote pass such a resolution.

In Witness Whereof we have hereunto set our hands and seals under chapter of the Laws of of the state of Maine and chapter of the Laws of of the state of New Hampshire this day of 19 In the presence of

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2. **Effective Date.** The said agreement or compact, when signed and sealed by the commissioners of each state as therein provided, and the attorney-general of the state of New Hampshire, and the attorney-general of the state of Maine, if he be designated so to act by the state of Maine, shall become binding upon the state of New Hampshire and shall be filed in the office of the secretary of state of New Hampshire.

3. **Vacancy.** If a vacancy shall occur by death, resignation or otherwise of those appointed as commissioners for the state of New Hampshire hereunder, the governor, with the advice and consent of the council, shall fill the same.

4. **Appointment of Interstate Bridge Authority.** Upon

execution of said agreement or compact by the said commissioners of each state as provided herein and the attorney-general of the state of New Hampshire and the attorney-general of the state of Maine, if he be designated so to act by the state of Maine and the filing of said agreement in the office of the secretary of state of New Hampshire, the governor, with the advice and consent of the council, shall appoint three persons resident of this state, one of whom shall be the highway commissioner of the state of New Hampshire, *ex officio*, to be members of the "Maine-New Hampshire Interstate Bridge Authority" provided for in the agreement or compact. The said members of the Authority are hereby vested with all the powers and charged with all the duties provided for in said agreement or compact and this act.

5. Approval of Compact. The said members of the Authority of the state of New Hampshire together with the members of the Authority appointed by the state of Maine shall have the power to apply to the Congress of the United States for its consent or approval of the agreement or compact entered into by said states. Providing, however, that in the absence of such consent of Congress or until the same shall have been secured, the said agreement or compact shall be binding on the state of New Hampshire, in all respects permitted by the law of the said two states of Maine and New Hampshire, to co-operate for the purposes enumerated in said agreement or compact and in the manner provided therein.

6. Incorporation: Powers. The "Maine-New Hampshire Interstate Bridge Authority" shall be a corporation in the state of New Hampshire and shall have powers (1) to sue and be sued; (2) to have a seal and alter the same at pleasure; (3) to adopt from time to time and amend by-laws covering its procedure, rules and regulations governing use of the bridge and any of the other services made available in connection with said bridge, to publish the same, if such publication is necessary or advisable and to cause records of its proceedings to be kept; (4) to construct, maintain, reconstruct and operate an interstate toll bridge over the Piscataqua river between the city of Portsmouth in New Hampshire and the town of Kittery in Maine and for this purpose; (5) to acquire, hold and dispose of personal property for its purposes; (6) to acquire in the name of the Authority by purchase, condemnation, lease or

otherwise, real property and rights or easements therein, deemed by it necessary or desirable for its purposes, and to use such property; (7) to acquire any such real property by the exercise of the power of condemnation in the manner provided in the sections 18 to 28 of chapter 19 of the Public Laws; (8) to charge and collect fees, fares and tolls for use of said bridge and other services made available in connection with the said bridge, subject to and in accordance with such agreement with bondholders as may be made as hereinafter provided; (9) to make contracts with the United States, the state of New Hampshire, the state of Maine, public corporations or bodies existing therein, and private corporations and individuals; (10) to accept grants and the co-operation of the United States or any agency thereof in the construction, maintenance, reconstruction, operation and financing of the bridge and its highway approaches and to do any and all things necessary in order to avail itself of such aid and co-operation; (11) to employ such assistants, agents and servants as it shall deem necessary or desirable for its purposes; (12) to exercise any of its powers in the public domain of the United States unless the exercise of such powers is not permitted by the laws of the United States; (13) to borrow money, make and issue negotiable notes, bonds and other evidences of indebtedness or obligations of the Authority and to secure the payment of such obligation or any part thereof by pledge of any part of the revenue of the bridge, and (14) to do all other lawful things necessary and incidental to the foregoing powers. All property of the Authority and all property held in the name of the state pursuant to the provisions hereof shall be exempt from levy and sale by virtue of any execution and no execution or other judicial process shall be a lien upon its property held pursuant to the provisions hereof.

7. Bonds Authorized. The Authority is hereby authorized to provide by resolution from time to time for the issuance of bonds for the purpose of paying the costs of such bridge and its highway approaches and the location and equipment thereof. The bonds of the Authority shall not constitute a debt of the state or of any agency or political subdivision thereof, but shall be payable solely from the revenue of the bridge. Any provision of any law to the contrary notwithstanding any bonds issued pursuant to this act shall be fully negotiable. In

case any of the members of the Authority whose signatures appear on the bonds or coupons shall cease to be such members before the delivery of such bonds, such signatures shall nevertheless be valid and sufficient for all purposes the same as if such members had remained in office until such delivery. The Authority may in the resolution authorizing prospective issues provide as to such bonds; (1) the manner of executing the bonds and coupons; (2) the form and denomination thereof; (3) maturity dates not more than fifty years from the date or dates of issuance; (4) the interest rates thereon; (5) for redemption prior to maturity and the premium payable therefor; (6) the place or places for the payment of interest and principal; (7) for registration if the Authority deems such to be desirable; (8) for the pledge of all or any of the revenue for securing payment; (9) for the replacement of lost, destroyed or mutilated bonds; (10) the setting aside of reserve and sinking funds and the regulation and disposition thereof; (11) for limitation on the issuance of additional bonds; (12) for the procedure, if any, by which the contract with the bondholder may be abrogated or amended; (13) for the manner of sale and purchase thereof; (14) for covenants against pledging of any of the revenue of the project; (15) for covenants fixing and establishing such prices, rates and charges for the use of said bridge and other services made available in connection with such bridge, so as to provide, at all times, funds which will be sufficient (a) to pay all costs of operation and maintenance of such bridge and its highway approaches together with the necessary repairs thereto; (b) to meet and pay the principal and interest of all of such bonds as they severally become due and payable and (c) for the creating of such revenues for the principal and interest of all such bonds and for the meeting of contingencies and the operation and maintenance of such bridge and its highway approaches, as the Authority shall determine; (16) for such other covenants as to such prices, rates and charges as the Authority shall determine; (17) for covenants as to the rights, liabilities, powers and duties arising upon the breach by the Authority of any covenant, condition or obligation; (18) for covenants as to the bonds to be issued and as to the issuance of said bonds in escrow and otherwise and as to the use and disposition of the proceeds thereof; (19) for covenants as to the use of its prop-

erty and the maintenance and replacement thereof and the insurance to be carried thereon and the use and disposition of the insurance money; (20) for limitations upon the exercise of the powers conveyed upon the Authority by this act; (21) for the issuance of such bonds in series thereof and, (22) the performance by the Authority of any and all such acts and things as may be necessary or convenient or desirable in order to secure its bonds or in the absolute discretion of the Authority as will tend to make the bonds more marketable, notwithstanding that such acts or things may not be enumerated therein.

8. Limitations of Bondholders. In the event that the Authority shall make default in the payment of principal or interest on any of the bonds after the same shall fall due and such default shall continue for a period of sixty days, or default in any agreement with the bondholders, the holders of twenty-five per cent in aggregate principal amount of the bonds then outstanding by instrument filed in the office of the secretary of state duly acknowledged, may appoint a trustee to represent the bondholders for the purpose herein provided. Such trustee may, upon the written request of the holders of twenty-five per cent in principal amount of the bonds then outstanding; (1) by mandamus or other suit, action or proceeding at law or in equity enforce the rights of the bondholders; (2) bring suit upon the bonds; (3) enjoin any acts or other things which may be unlawful or in violation of the rights of the bondholders; (4) by notice in writing to the Authority declare all bonds due and payable and if all defaults shall be made good, to annul such declaration and its consequences; (5) by action or suit in equity require the Authority to account as if it were trustee of an expressed trust for the stockholders. Such trustee shall be entitled as a right to the appointment of a receiver who may to the extent that the Authority could itself do, enter and take possession of the facilities of the Authority or any part thereof, the revenue or receipts from which are or may be applicable to the payment of the bonds so in default, and operate and maintain the same and collect and receive all revenue thereafter arising therefrom in the same manner as the Authority might do, and shall deposit all such monies in a separate account and apply the same in such manner as the court shall direct. In any suit, action or proceeding by the trustee, the fees, counsel fees and expenses of the trustee and the receiver,

if any; and all costs and disbursements allowed by the court shall be a first charge on any revenues and receipts derived by the Authority, the revenues and receipts from which are or may be applicable to the payment of the bonds so in default. Such trustee shall in addition to the foregoing have and possess all the powers necessary and appropriate for the exercise of any functions specifically set forth herein or incident to the general representation of the bondholders in the enforcement and protection of their rights. In addition to other rights and limitations, any bondholder shall have the right by mandamus or other suit, action or proceeding in law or in equity to enforce his rights against the Authority, including the right to require the Authority to carry out any agreement or covenant and to perform its duties under this act.

9. Interim Certificates. Prior to the issuance of the bonds hereunder the Authority may issue interim certificates in such manner and with such conditions as the Authority may determine to be exchanged for such bonds when issued.

10. Revenue. Subject to any agreement with the bondholder, all revenue received from the operation of said bridge after deducting the expenses of operation and maintenance, the expenses of the Authority, and the sums necessary to provide for the payment of the principal and the interest on the bonds of the Authority in accordance with the provisions thereof shall be held and invested by the Authority to establish trust funds for purpose of maintaining and operating said bridge and approaches thereto so that said bridge shall not be a charge upon either state or the United States.

11. Interim Expenses. All expenses incurred by the Authority in the interim between the execution of the compact or agreement and the date money received from grants, bonds or revenue, whichever shall be first, shall be available shall be a charge upon the highway funds in an amount not exceeding twenty-five hundred dollars.

12. Federal Permit. No sum shall be expended by the Authority unless and until the Authority shall have received a license or permit satisfactory to the Authority from the United States government to construct, operate and maintain said bridge and its highway approaches in, on and over the Piscataqua river. Said license shall be for a period of not less than twenty years. The Authority shall have power to secure

an extension or renewal of such license or permit. Provided, however, that the failure of the Authority to receive a permit complying with the requirements of this act shall not in any way affect the validity of any bonds of the Authority or the security therefor.

13. Agreement of the State. The state of New Hampshire does pledge to and agree with the holders of the bonds issued by the Authority that the state will not limit or alter the rights hereby vested in the Authority to establish and collect such charges and tolls as may be convenient or necessary to produce sufficient revenue to meet the expenses of the maintenance and operation of the bridge and its highway approaches and to fulfill the terms of any agreements made with the holders of the bonds issued by the Authority or in any way impair the rights or remedies of the holders of such bonds until such bonds, together with the interest thereon, with interest on any unpaid installments of interest and all costs and expenses in connection with any actions or proceedings by or in behalf of the bondholders are fully made and discharged.

14. Limitations. No person, partnership, association or corporation, private or public, and no political subdivision of the state shall be authorized, and it shall be unlawful for them to construct or operate, and the state of New Hampshire hereby agrees that it will not construct or operate any bridge for purposes similar to those contemplated hereby which will be competitive with the bridge to be erected pursuant to this act, until the bonds issued by the Authority together with the interest thereon with interest on any unpaid installments of interest, and all costs and expenses in connection with any action or proceedings by or on behalf of the holders of such bonds are fully met and discharged.

15. Separability Clause. If any provision of this act or the application thereof to any person or circumstance, is held invalid the remainder of the act and the application of such provision to other persons or circumstances shall not be affected thereby.

16. Declaration of Purpose. It is hereby declared that the purposes of this act are public and that the Authority shall be regarded as performing a governmental function in the carrying out of the provisions of this act.

17. Penalties. Any violation of published rules and regu-

lations relating to the bridge, its use or services or any failure or neglect to pay tolls, fares or charges, for use of the bridge or other services, made available in connection with said bridge shall be deemed a misdemeanor and shall be punishable by a fine not exceeding ten dollars providing, however, that nothing herein contained shall prevent the Authority from collecting payment for use of the bridge or any other service by action at law or in equity.

18. Takes Effect. This act shall take effect upon its passage.

[Approved May 13, 1936.]

CHAPTER 5.

AN ACT MAKING APPROPRIATIONS FOR THE SPECIAL SESSION OF THE LEGISLATURE OF 1936.

SECTION	SECTION
1. Appropriations for special session.	2. Takes effect.

Be it enacted by the Senate and House of Representatives in General Court convened:

1. Special Session. The sum of \$11,775 is hereby appropriated, out of any money in the treasury not otherwise appropriated, for the purpose of defraying the expenses of the legislature in special session of 1936, as follows: For per diem, mileage and incidentals, \$8,500; for deficit in the appropriation for the 1935 session, \$1,750; Guy S. Neal and Raymond B. Lakeman, sergeants-at-arms of the house and senate, respectively, \$22.50 each; James F. Tonery, custodian, \$8; Arthur A. Tilton, Harry S. Yeaton, Edwin Jones, Lenne C. Twombly, doorkeepers, \$8 each; William W. Allen, doorkeeper, \$12; James W. Pridham, warden, \$8; Oscar Ronn, assistant warden, \$8; Patrick H. O'Neil, John J. Henson, James P. Nadeau, messengers, \$8 each; Benjamin H. Bragg, messenger, \$12; Martin C. Ryan, messenger, \$12; Clarence J. R. Hunter, Louis E. Gauthier, Henry J. H. Parent, George J. O'Neil, John F. Clark, pages, \$5 each; Donald W. Marshall, speaker's page, \$6; Harrie M. Young and Benjamin F. Greer, clerks of the house and senate, respectively, \$100 each; Howard H. Hamlin and Frank M. Ayer, assistant clerks of the house and senate,

respectively, \$75 each; Robert W. Pingree, reading clerk, \$75; Alice V. Flanders, house stenographer, \$24; Bessie A. Callaghan, senate stenographer, \$16; Marion C. Colby, Frances Barnard, house stenographers, and Ruth Cotton, senate stenographer, \$12 each; Mabel E. Dooley, judiciary stenographer, \$10; Daniel Welch, chaplain, \$8; W. J. Chadbourne, \$500 for the purchase of group pictures of the executive and legislative departments of 1911 and 1921; State House Department, \$50; Alice V. Flanders, Marion C. Colby and Frances Barnard, for rental of typewriters, \$1 each; Guy S. Neal, postage and telephone, \$1; Marion Alexander, legislative advisor, \$10; Ralph E. Langdell, legislative advisor, \$250.

2. Takes Effect. This act shall take effect upon its passage.

[Approved May 13, 1936.]

STATE OF NEW HAMPSHIRE

Office of Secretary of State,
Concord, August 23, 1937.

I hereby certify that the acts and resolutions and changes of names contained in this volume have been compared with the originals in this office and found to be correctly printed.

ENOCH D. FULLER,

Secretary of State.

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PREPARED BY

MARION G. ALEXANDER

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